

**MINUTES OF THE REGULAR MONTHLY MEETING OF  
THE TOWN BOARD OF THE TOWN OF NEW LEBANON  
HELD ON JULY 10, 2018**

**Present:** Colleen Teal, Supervisor  
Kevin Smith Sr., Councilmember  
Norman Rasmussen, Councilmember  
Jesse Newton, Councilmember  
Mark Baumli, Councilmember

**Recording Secretary:** Tistrya Houghtling, Town Clerk

**Others Present:** Ed Godfroy, LVPA  
Jeff Winestock, Highway Superintendent  
Jack Lancto, CAC Member  
Peg Munves, CAC Member & ZRC Member  
Cynthia Creech, Court Clerk & CAC Member  
Bob Smith, Planning Board Member  
Deb Gordon, The Phoenix Project  
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.

**MINUTES:**

The minutes of the **June 4, 2018 Special Meeting: Code Review** and **June 12, 2018 Regular Meeting** were reviewed. Councilmember Newton requested an amendment to the June 12, 2018 Regular Meeting minutes on page 15 for the number 147 to be changed to 447 in regards to the number of acres that Hand Hollow Conservation Area has. A motion was made by Supervisor Teal, seconded by Councilmember Smith and approved unanimously to accept the above noted minutes as amended.

**FINANCIAL:**

***Supervisor's Report:***

Supervisor Teal provided the public and TB members with a copy of the Supervisor's Report as of June 30, 2018. A motion was made by Councilmember Smith, seconded by Councilmember Rasmussen and approved unanimously to accept the Supervisor's report as typed.

**PRIVILEGE OF THE FLOOR:**

**JJ Johnson-Smith** stated that there is a group of residents in town that are considering donating a picnic table with a plaque in memory of Larry LaFarrier who passed away last year in the area of the monument in the park because that is where he liked to hang out. They are going to raise the money for it and then they will get the permission of the town board and have a dedication ceremony there. It will probably sometime in September.

**BIDS:**

The Town Board requested that Town Clerk Houghtling insert all bid notices in the minutes, without reading them aloud at the meeting. Supervisor Teal asked the public if anybody was concerned about the bid notices not being read aloud. Nobody spoke.

***Fuel:***

**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 7/31/2019:

**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 2, 2018.**

**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 7/31/2019*) may be submitted for each of the fuel items.

**Bidder is responsible to provide a 1,000 gallon, double wall tank, dispensing equipment and all service on this equipment at no charge for the duration of the bid.**

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 4:00 pm on Friday, July 6, 2018. Electronic and faxed bids will not be accepted.

Bids will be opened at the Office of the Town Clerk on Friday, July 6, 2018 at 4:00 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 10, 2018. The Town Board reserves the right to reject or accept all bids.

Town Clerk Houghtling stated that we received 2 bids. Main Care Energy submitted a bid with a fixed add of \$0.1650 on low sulfur heating fuel, \$0.1850 on low sulfur diesel fuel and \$0.3100 on kerosene. John Ray & Sons submitted a bid with a fixed add of \$0.15 on low sulfur heating fuel, \$0.15 on low sulfur diesel fuel and \$0.30 on kerosene. She stated that the gross rack price for Main Care was lower than the gross rack price for John Ray & Sons, bringing Main Care's total prices per gallon lower even though their fixed add was higher.

Supervisor Teal stated that she would like the Town Board to consider not necessarily going with the lowest bid as we have had some issues in the past with the lowest bidder with running out of fuel for the highway and for the buildings. Councilmember Newton asked if it was Main Care that was the issue last time. Supervisor Teal stated that it was. Highway Superintendent Winestock stated that John Ray & Sons has been very good at monitoring our fuel levels and ensuring that we do not run out.

Councilmember Rasmussen asked how much fuel we use in a year. He would like to understand how much of a difference in price per year we are looking at by going with the bidder that is slightly higher per gallon for the added value of reliability of deliveries. Highway Superintendent Winestock stated that we use about 10,000 gallons in diesel fuel a year. Supervisor Teal stated that it is \$0.03 per gallon difference. Councilmember Rasmussen stated that we are talking about \$300. Supervisor Teal stated that it is \$0.06 per gallon difference on the heating fuel and she can't imagine we use over 10,000 gallons. Councilmember Rasmussen stated that we are still talking about under \$1,000 total extra expense to have the more reliable vendor.

Councilmember Smith made a motion to accept the fuel bids from John Ray & Sons for a \$0.15 per gallon fixed add on low sulfur heating fuel, a \$0.15 per gallon fixed add on low sulfur diesel fuel and a \$0.30 per gallon fixed add on kerosene. Councilmember Newton seconded that motion.

Roll Call Vote:

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

***Calcium Chloride:***

**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 7/31/2019. **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 4:00 pm on Friday, July 6, 2018. Bids will be opened at the Office of the Town Clerk at 4:00 pm on Friday, July 6, 2018 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 10, 2018. The Town Board reserves the right to reject or accept all bids.

Town Clerk Houghtling stated that we received 2 bids. Peckham Materials Corp submitted a bid at \$0.944 for both winter and summer. Gorman Bros., Inc submitted a bid at \$0.910 for both winter and summer. Both bids had the same percentages for calcium and water.

Supervisor Teal stated that in the past, the Town Board has accepted both bids as Peckham knows our roads better which provides us a savings in not having to pull one of our guys off a job in order to show them where they need to work.

Supervisor Teal made a motion to accept the bids from both Peckham Materials Corp for \$0.944 and Gorman Bros., Inc. for \$0.910 to be used at the discretion of the Highway Superintendent. Councilmember Smith seconded that motion.

Roll Call Vote:

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

***Equipment:***

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 2018-2019 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 4:00 p.m. on Friday, July 6, 2018. All bids must include a *Non-Collusive Bidding Certificate*. The bids will be opened at the Office of the Town Clerk on Friday, July 6, 2018 at 4:00 p.m. Bids will be considered at the regular monthly Town Board meeting to be held on Tuesday, July 10, 2018 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.

Town Clerk Houghtling stated that we received 2 bids. D&J Excavating submitted a bid for a 1986 Autocar 400hp tri-axle at \$85.00/hr with operator, a 2001 D3C CAT dozer at \$95.00/hr with operator, a 1998 311B CAT excavator at \$120.00/hr with operator, a 2013 kx 121-3 Kubota mini excavator at \$90.00/hr with operator, a 2014 289D CAT mini track loader at \$90.00/hr with operator, and a 2012 308 excavator at \$120.00/hr with operator. J. Bergeron Trucking submitted a bid for a 1987 Ford LTL 9000, triaxle dump truck at \$85.00/hr trucking rate.

Supervisor Teal made a motion to accept all equipment bids received. Councilmember Newton seconded that motion.

Roll Call Vote:

Councilmember Rasmussen - Aye

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

***Sand, Stone and Gravel:***

**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 7/31/2019:

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 4:00 pm on Friday, July 6, 2018. Bids will be opened at the Office of the Town Clerk at 4:00 pm on Friday, July 6, 2018 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 10, 2018. 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.

Town Clerk Houghtling stated that we received 2 bids. Joy Sherman submitted a bid for bank run picked up at \$6.50 per yard. Colarusso & Son Inc. submitted a bid for bank run delivered at \$20.55 per yard and picked up at \$9.25 per yard, screen fill 1" minus at \$16.80 per ton delivered and \$9.50 per ton picked up, screened 3/8" sand at \$21.95 per yard delivered and \$12.10 per yard picked up, washed #1A at \$19.05 per ton delivered and \$11.75 per ton picked up, washed #1 at \$18.40 per ton delivered and \$11.10 per ton picked

up, washed mixed #1 & #1A at \$19.05 per ton delivered and \$11.75 per ton picked up, gabion at \$21.90 per ton delivered and \$11.10 per ton picked up, and rip-rap at \$24.10 per ton delivered and \$13.00 per ton picked up.

Supervisor Teal made a motion to accept the bid from Joy Sherman for bank run and accept the bid from Colarusso & Son Inc. for all other bids. Councilmember Rasmussen seconded that motion.

Roll Call Vote:

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

***EV Charging Station:***

**NOTICE TO BIDDERS  
ELECTRIC VEHICLE SUPPLY EQUIPMENT (EVSE)  
TOWN OF NEW LEBANON**

The Town of New Lebanon is requesting bids for the installation of one dual port level 2 plug-in electric vehicle (PEV) charging station to be located in the back parking lot of The Valley Plaza (502 Route 20, New Lebanon, NY, 12125). The end result should be a turnkey charging station ready to operate. Respond to the Scope of Work and Deliverables for Electric Vehicle Charging questions available from the Town Clerk's office as well as the information requested in the General Requirements. Bids must be in a PLAIN ENVELOPE and labeled only with the item being bid and must include a "Non-Collusion Bidding Certificate" and a completed "Requirements for EVSE" both of which can be obtained from the Town Clerk's office. 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 4:00 pm on Friday, July 6, 2018. Bids will be opened at the Office of the Town Clerk at 4:00 pm on Friday, July 6, 2018 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 10, 2018. The Town Board reserves the right to reject or accept all bids.

**GENERAL REQUIREMENTS**

Installation of the EVSE entails connecting via an underground trench to a NYSEG pole, which is approximately 50 feet from the proposed location of the EVSE. All electrical work must comply with National Electrical Code and New York State Uniform Fire Prevention and Building Codes.

Routing of the electrical wiring will be through a trench in the ground. The installation will require trenching to install the electrical conduit to the stations. All excavation work will be performed by the selected contractor. The contractor will be responsible for all conductors, conduit, and associated accessories as needed. A site visit can be conducted prior to responding to this RFP. Bidders will be responsible for scheduling a site visit by contacting the (Town Clerk at [townclerk@townofnewlebanon.com](mailto:townclerk@townofnewlebanon.com) or by phone at (518) 794-8888).

The proposals should include an electrical single line diagram, equipment cut sheets, a description of

any warranties associated with the installation including a full system coverage and/or warranties associated with individual components (per the Requirements for EVSE section below), and a proposed schedule for completion.

Proposers must have prior experience successfully installing 5 commercial EVSE and be able to provide 3 (three) references. Please include a statement of qualifications that demonstrates experience with similar projects.

The successful bidder will provide at least one hour of training with Town staff and Climate Smart Communities Committee members and other interested members of the public regarding electric vehicles and the operation of the charging station. The proposal should include a line item price for the job including the hardware, the annual software costs, the site preparation, and the electrical installations.

Town Clerk Houghtling stated that we received 2 bids. Plug In Stations Online submitted a bid at \$16,689.00. Lilypad EV submitted a bid at \$16,451.00. She stated that Plug In Stations Online included the 2 years of software, site validation and 2 year assure warranty were included in the bid price. Lilypad EV did not include these items in their total, but lined out prices underneath for these items so you must add them in to get the correct totals. Town Clerk Houghtling stated that she did reach out to the CDRPC to look over the two bids to ensure that they complied with our bid specs and met the grant guidelines. She heard from Jill Falchi at CDRPC and she said that both bids meet the grant and RFP guidelines. Town Clerk Houghtling stated that she received an email from Attorney Tuczinski stating that the acceptance of any bid should be subject to the execution of the easement agreement with Bauser Group securing the legal rights of the Town to construct the charging station including the rights of the public to access and use same during the term of the easement agreement. She stated that the easement is not ready to go but we don't want to hold off on the bids. By accepting a bid, it needs to be contingent upon the easement going through so that if the easement does not go through, the bid acceptance is not binding.

Councilmember Newton asked if the Bauser Group can block the town from the property at any point, making it so we can no longer use the EV charging station. Town Clerk Houghtling stated that the Attorney is looking to do the easement in perpetuity so the town would always have access to the EV charging station. Councilmember Newton asked if the EV charging station goes in and a grocery store wants to come in there, is there any chance this could prevent someone from possibly buying that lot to put a grocery store in. Town Clerk Houghtling stated that the charging station is very small and it's going in the back, furthest corner of the property. She can't speak to the future but she would not see it interfering with any kind of main parking lot and it could even be a draw for a grocery store that people would do their grocery shopping there while charging their vehicles. Ed Godfroy stated that the corner it is going in is where they plow the snow. Supervisor Teal stated they cannot block in the EV charging station so they will have to push the snow somewhere else.

Supervisor Teal made a motion to accept the bid from Lilypad EV in the amount of

\$16,451.00 with the acceptance of this bid subject to the execution of the easement agreement with Bauser Group securing the legal rights of the Town to construct the charging station including the rights of the public to access and use same during the term of the easement agreement. Councilmember Rasmussen seconded that motion.

Roll Call Vote:

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

**OLD BUSINESS:**

***Resolution of Support for PPENY Main Street Technical Assistance Grant Application:***

Supervisor Teal stated that there is a resolution of support for the Phoenix Project of Eastern New York and NY Main Street Technical Assistance Grant Application.

Supervisor Teal asked Deb Gordon of PPENY what date they are looking to make the announcement on this grant. Deb Gordon stated that she thinks it will be around the end of this calendar year.

Councilmember Baumli stated that he hopes that to be true as he has voiced his concerns about this parcel of property for some time and it sat there for some time already, looking the way it looks and as the rest of the main corridor is being cleaned up and other people are being held accountable to maintain their properties. He asked if this grant is for \$20,000. Deb Gordon stated that the grant is up to \$20,000 which will allow her to hire an engineer to design the necessary repairs to make the building structurally sound.

Councilmember Baumli stated that \$20,000 is not going to go very far in repairing that building. Deb Gordon stated that is just to hire the engineer and then they can fundraise based on those drawings and estimates. Councilmember Baumli asked if an engineer has told her that the property is salvageable and doesn't have to be torn down. Deb Gordon stated that there are parts of the building that may need to be torn down and replaced and that is the plan to put it back to the way it was using new material. Councilmember Baumli stated that he mentioned to a prior Town Supervisor about that building and how it looked, probably prior to her owning it, and it sat there and it continues to sit there and it doesn't look any better. He is willing to go that if we can get to the end of the year and possibly get some grant money and get things moving but if things aren't moving at that property he would say next year he would encourage that our town enforcement officer take the proper steps on that parcel to bring it up to code or to tear it down because we have kicked this can down the road long enough. He stated that he does with her the best but he can't allow that to continue to look like that when everybody else is held accountable to their property and the rest of that corridor is looking better all the time.

Councilmember Smith stated that his concern would be if we are saying we are going to support this grant and basically saying you don't have to comply with the zoning until this grant, there will be feedback and then everybody is going to expect that. Supervisor Teal reminded everyone that this is not owned by Deb Gordon. This is owned by the Phoenix Project of Eastern New York, it's a not for profit and their mission is to take those high

profile properties that have deteriorated beyond the point that the private sector is going to go in and they have some historic value to the community and to put money into them to restore them. Their goal is to take these horrendous properties and rather than demolish them, because there is a historic value, refurbish them so there is a valid reason for working a little bit more with this particular entity than there would be a normal property owner. Councilmember Smith stated that he believes it should be the same for every person. There has been a lot of comments on this property and when the town is going after other people on their issues, this is being pointed back to. Supervisor Teal asked if his recommendation would be just to demolish historic properties. Councilmember Smith stated that he is not saying that, he is saying that we have been trying to keep our zoning in order and follow it. When we say it's okay for Deb Gordon because she is applying for a grant, what stops the next person from expecting the same thing. Supervisor Teal asked if we are looking to preserve our historic properties. Councilmember Smith stated that he supports the grant application but he does not want his support of the grant to reflect that this property should be treated any differently when it comes to the violations. Councilmember Baumli requested that when the grant comes through, the Phoenix Project concentrates the funding to the exterior of the building first so we can make the outside look somewhat presentable.

**Town of New Lebanon**

**RESOLUTION #21, 2018**

**PPENY NY MAIN STREET TECHNICAL ASSISTANCE GRANT APPLICATION**

**JULY 10, 2018**

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 10<sup>th</sup> day of July 2018, the following Resolution was proposed and seconded:

Resolution by Councilmember Kevin Smith Sr.

Seconded by Councilmember Rasmussen

***PHOENIX PROJECT OF EASTERN NEW YORK (PPENY) ~ NY MAIN STREET TECHNICAL ASSISTANCE APPLICATION***

Resolution by the New Lebanon Town Board approving and endorsing the Phoenix Project of Eastern New York (PPENY) in its application to NYS Homes and Community Renewal for funding under the NY Main Street Technical Assistance Grant for the property located at 530 US Route 20.

**WHEREAS**, the PPENY desires to apply for up to \$20,000 in financial assistance through the 2018 Consolidated Funding Application (CFA) under the NY Main Street Technical Assistance Grant; and

**WHEREAS**, the application proposes funding to assist the property owners to complete building renovations to the downtown "main street" building located at 530 US Route 20; and

**WHEREAS**, the proposed funding will contribute to ongoing community revitalization efforts; and

**WHEREAS**, the grant application requires that the applicant obtain the approval and endorsement of the

governing body of the municipality in which the project will be located.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of New Lebanon approves and endorses the 2018 NY Main Street Technical Assistance Grant for assistance prepared and to be submitted by the Phoenix Project of Eastern New York.

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.

***June 23<sup>rd</sup> Re-Enactment – NL 200 Bags & Along the Wyomanock Books:***

Supervisor Teal stated that at the June 23<sup>rd</sup> re-enactment she provided each of the Town Supervisors and historical societies that signed the agreement an NL200 bag and an Along the Wyomanock book for a total of 8 sets and she would like Town Board approval donate these from the town.

Councilmember Smith made a motion to donate 8 NL 200 bags and 8 Along the Wyomanock books to the participants of the June 23<sup>rd</sup> re-enactment. Councilmember Newton seconded that motion. The motion passed unanimously.

***Surplus Items:***

Councilmember Smith stated that we are going to table this until next month so they can have more time to go through everything that we may want to declare surplus. Councilmember Smith asked Highway Superintendent Winestock if he has any surplus items to let him know.

Superintendent Winestock stated that he has another town interested in our rolled over truck out back. He thought at one point we might try to use it for parts or put it back together. Councilmember Smith asked what they were offering. Superintendent Winestock said they offered \$7,000 and he feels that is a little bit low. Councilmember Smith stated we should come back at them with \$10,000 as an offer. Councilmember Baumli asked if we should go out to bid. Superintendent Winestock state that it wouldn't hurt to go out to bid and if this town is interested they will bid and maybe we will get a higher bid or maybe we will sell it to them. Councilmember Smith stated that on Auctions International where other towns are selling equipment, it doesn't go for anything. If we can get \$10,000 for it, he thinks that is a good deal. Superintendent Winestock stated that we should go out to bid. Councilmember

Smith stated that we should look into using Auctions International as all the towns use it. Councilmember Smith offered to look into how to use Auctions International. Town Clerk Houghtling stated there is a company called Municibid that does auctions as well that has been in touch with her about their services.

Supervisor Teal made a motion to declare the 2008 International highway truck that was salvaged. Councilmember Smith seconded that motion.

Roll Call Vote:

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

Councilmember Newton made a motion authorizing Councilmember Smith to use Auctions International or a similar company to auction off the 2008 salvaged International truck with a minimum bid of \$7,000 plus any costs to use the auction services. Supervisor Teal seconded that motion.

Roll Call Vote:

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

***Deputy CEO Cell Phone Reimbursement Request:***

Supervisor Teal stated that she had an inquiry from Jeff Hattat, Deputy CEO regarding some older vouchers he had prepared. He started working for the town as Deputy CEO on July 11, 2017 and his first cell phone reimbursement was for May of 2018. The question is, are we interested in reimbursing him for any of the prior months before we made the decision. Councilmember Smith stated that he believes that back when the town adopted the cell phone policy, they agreed to do \$25 per month moving forward and they were not doing back pay on any reimbursements. Supervisor Teal asked Town Clerk Houghtling if she remembers that too. Town Clerk Houghtling stated that she remembers someone asking about back months and the board deciding it would just be from that date forward.

***Park Update:***

***Basketball Court:***

Councilmember Smith stated that basketball courts should be done by July 23<sup>rd</sup>.

***Shed:***

Councilmember Smith stated that the slab prep is done for the pavilion and the maintenance shed. We are looking for volunteers to help form up and do concrete for a half a day. Please contact Councilmember Smith or Town Clerk Houghtling to sign up to volunteer.

***Fruit Trees:***

Councilmember Smith stated that the fruit trees have all been planted in the park. He believes there are 7 of them now, cherries, plums, apples and pears. In two years they will have fruit. 4 of them have memorial plaques on them and he gave a big thank you to everyone that donated a tree. He stated that we also received a donation from Liz Kroboth for the park which was a bench and a maple tree. A big thank you to her.

***Pavilion:***

Councilmember Smith stated that once the basketball courts are done, we will be starting on the pavilion. We will be fixing the sidewalks and the front and possibly thinking about some new sidewalks next year.

Councilmember Newton stated that he is technically liaison to the park but Councilmember Smith has taken over and is doing a great job as he has been too busy lately. He thanked him for all his hard work.

***Other Updates:***

***16 Lover's Lane: proposed sale to Corkscrew Rail Trail:***

Supervisor Teal stated that at the June County Government meeting, the County Government Committee decided not to request the full board to remove the property for the private sale so it will move forward through the normal foreclosure process like it was originally scheduled to go.

***Code Review – draft of proposed changes – August:***

Supervisor Teal stated that she has sent everything on to the Attorney and they should have a draft for the Town Board's consideration for the August meeting. That is all the section of the code that we have made our decisions on.

***PESH: Highway Garage Fuel Tank:***

Supervisor Teal stated she is meeting with Attorney Tuczinski and Engineer Paul McCreary on another item and she is going to follow up with Paul. He was waiting for the bids for the fuel. She stated that Superintendent Winestock got a message from PESH and they have verbally said they are approving our request for an extension. We submitted a request for an extension to October 31, 2018 to actually get all the work done.

Councilmember Smith asked Supervisor Teal to include him and Superintendent Winestock in the meetings with the Engineer and Attorney regarding PESH. Superintendent Winestock stated that he is trying to get PESH to come out here and work with us on possible solutions. He doesn't understand why he can't take the pump off the tank and pipe it outside and put the pump outside so that the tank would be completely enclosed inside, no different than a fuel tank for the furnace.

***Broadband:***

Supervisor Teal stated that she did submit the media release that the Town Board authorized to the Times Union, Berkshire Eagle, Eastwick Press and Register Star stating the following:

New Lebanon Town officials are encouraging residents to file complaints with the New York State Public Service Commission regarding poor customer service from Charter/Spectrum. Town officials have received numerous complaints from Charter/Spectrum customers regarding their experiences with Charter/Spectrum customer service.

Customers can file complaints at the New York State Public Service Commission's website or by calling 1-800-342-3377.

The town is also urging customers to contact representatives of the company: Kevin Egan at [Kevin.Egan@charter.com](mailto:Kevin.Egan@charter.com) and Michael Chowanec at [Michael.Chowanec@charter.com](mailto:Michael.Chowanec@charter.com).

Supervisor Teal stated that she has filed a complaint with the public service commission. They have responded. They have escalated her complaint up. They are also sending her some information and some documents. We are two years out from our franchise renewal and they are strongly recommending that some of this may already be covered in our current contract and that we certainly can address some of these issues in our future contracts. Supervisor Teal stated that she can get resolution for any resident having difficulty however it takes the Supervisor and the regional director for government relations involved and even then it doesn't usually happen really quickly.

Supervisor Teal stated that Consolidated Communications is holding an open house on Thursday, July 26<sup>th</sup> at 1 Taconic Place in Chatham from 3pm – 7pm. They are going to be providing information on the new NY broadband expansion plan benefitting our community, outline of the expansion timeline and geographic reach of the project plan, product demonstrations featuring consolidated communications voice, internet and tv services, review the customer experience including installation process, support and equipment, opportunity to ask questions of the consolidated communications team and special promotions and pricing for new and upgraded subscribers.

***NYSEG:***

Supervisor Teal stated that NYSEG has a 10 year plan to invest \$2.5 billion into focusing on transforming their energy plan and trying to make it stronger. One of the key focuses is going to be tree related interruptions, which are the leading causes of outages. So you will see more tree trimming from the ground to the sky along the lines. They are also going to invest in increased staffing.

**NEW BUSINESS:**

***Conservation:***

Supervisor Teal stated that she started some work on compiling a list of properties in conservation, but she needs some clarification from the board as to what they are looking for. She stated that development of land is one of the concerns she believes, that the property no longer has the ability to be developed. She stated that she thinks another area of concern is taxable property. These are two very different things. She asked if she is correct in her assessment of what the board is looking for. Councilmember Newton stated that he believes our Assessor would be the one that has all of this information at her fingertips. He asked if we are going to bring that back up in August. Supervisor Teal stated that she is going to continue putting that together.

***Food Access Corner - Newsletter:***

Supervisor Teal stated that we had an access to fresh food meeting a while back and learned about quite a few resources in town for fresh food that she was not aware of or things that she knew existed but she didn't know all the details which made a difference in accessibility for people. She reached out to the Town Attorney and talked with him a little bit because we can't promote private entities with public funds but because access to fresh food is a town community concern, we can set up a section in our newsletter for food access corner where we simply list all those sites where people can access fresh food and what types of benefits they can use there such as WIC or SNAP. It will include everything from Stewart's to Family Dollar to a food coop to local farms.

***Generator for the Town Hall:***

Supervisor Teal stated that when they were doing cooling stations and we reached out to the fire company we were advised that they don't have air conditioning so they can't be used as a cooling station. She stated that Friday we were out of power for a couple of hours here at the Town Hall and her perception is that the government center, the value of having the ability to keep the offices open and functioning especially when there is something like that occurring is very important. Her feeling is that not only will it keep us open and operating when there is an outage but when we have those situations like we did last week it would allow the opportunity and if we have the generator, she believes we could also use it as a warming station if the need arose. She would like to at least reach out to Hatch and have them come out and do an evaluation of what size generator we need and give us a ballpark idea of how much it would cost.

Councilmember Smith stated that he already spoke to Hatch about it and he estimated that it would be around \$10,000 as a rough estimate without having details he needs for a real quote. He would need to go to all the air conditioners and get the wattage and such before he could give a realistic quote. We would have to decide if we would just do the new addition or if we would run all offices and their air conditioners. Supervisor Teal stated that she would think this new section would be all we would need. We could hook up a phone and people could bring their laptops down. Councilmember Smith stated that he thinks at least the Town Clerk's office should be covered. Councilmember Baumli stated that if we are out of power throughout the town people are probably not coming to license their dogs. He stated that the generator would be more for making sure a facility is available for the public to come stay cool or warm in an emergency. Town Clerk Houghtling stated that she does not need power in her office in an emergency. She has access to a phone so people can reach her, but she does not need to be able to issue dog licenses in an emergency.

Ed Godfroy stated that it would be more expensive to split the power in the building to divide the power into two sections than it would be to have a generator run the whole building. Supervisor Teal asked for authorization to have Councilmember Smith get more information. Councilmember Newton said he would be happy to work on it as well.

**COMMITTEE/LIAISON REPORTS:**

***Assessor (Councilmember Rasmussen):***

Supervisor Teal stated that there is a resolution that was adopted by the county that any litigation for an assessment for a business, commercial or industrial property for a reduction of \$500,000 or more in assessment will be handled by the County and will be apportioned between the County, the school and the Town and the Town's portion will be 10%.

***Building Department (Councilmember Baumli):***

Councilmember Baumli stated that the Planning Board has moved Stewart's along depending upon approval from the County and DOT. He asked Supervisor Teal to stay on top of DOT because they seem to slow the process down or if she can share a contact at DOT he would be happy to all. If we can keep that moving along, that would be wonderful. We don't want to hold up this project.

***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 thanked Ed Godfroy. He stated that he did receive the packet for the cancer coverage. He has been reading through it and when he is done reading through it he will reach out with any questions. Ed Godfroy stated that it was signed into law today.

***Highway (Superintendent Winestock & Councilmembers Smith & Newton):***

No report.

***Historian & LVHS: (Councilmembers Baumli & Rasmussen):***

No report.

***Justice Court/Constable (Councilmember Newton):***

Councilmember Newton stated that the court is happy with their new cameras. He stated that he talked to one of the Justices and there was a possible discussion of change of time and date of court but he hasn't gotten anything back about that yet. It was a quick conversation with only one Justice but he hasn't heard anything further. Town Clerk Houghtling stated that they did change the time to 5:30pm. Supervisor Teal stated that there was some communication from the County that that wasn't going to work. Town Clerk Houghtling stated that one of the Justices had her change the time of court on the website. Supervisor Teal stated that there was communications from the Public Defenders Office and the DA. Councilmember Smith stated that he knows the court is separate, but shouldn't that have been run by the Town Board or not. Supervisor Teal stated she doesn't know but she does know that there are other agencies that are impacted that it has become an issue for such as the DA's Office. Councilmember Smith stated that he would like more information about it and why they are changing the time. Councilmember Baumli stated that at this point he would like Town Clerk Houghtling to ask the Justice that requested the time of court to be changed on the website to provide a letter from the County DA's office and what ever other agencies need to be here on court nights saying that they are okay with the time change.

***Parks & Recreation (Councilmembers Smith & Newton):***

Councilmember Smith stated that after this year, the park is on a long term plan. Everything except for the bathrooms will be updated and long term.

***Seniors (Councilmember Baumli & Judy Zimmer):***

Supervisor Teal stated that on Friday, July 20<sup>th</sup> New York Connects will be at the Town Hall from noon – 3pm.

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

No report.

***County Updates (Supervisor Teal):***

No report.

**ANNOUNCEMENTS:**

***JULY:***

***Sunday, July 15<sup>th</sup> ~ Music in the Park @ Shatford Park from 1 pm to 4 pm***

***Wednesday, July 25<sup>th</sup> ~ Cemetery of the Evergreens Fundraiser @ the Theater Barn @ 7:30pm - a night of music and fun***

***Thursday, July 26<sup>th</sup> ~ Consolidated Communications open house from 3pm to 7pm @ 1 Taconic Place in Chatham***

***Tuesday, July 31<sup>st</sup> ~ Passports Due to the Town Clerk's Office – all passports turned in will be entered into a drawing to win an ipad on August 19<sup>th</sup> at the Community Picnic***

***AUGUST:***

***Tuesday, August 14<sup>th</sup> ~ Regular Monthly Meeting @ 7:00 PM @ Town Hall***

***Saturday, August 18<sup>th</sup> ~ Shaker Museum Annual Benefit Gala @ Shaker Museum/Mount Lebanon (will be honoring Jerry Grant & Sharon Koomler)***

***Sunday, August 19<sup>th</sup> ~ Music in the Park, Community Picnic & History Day @ Shatford Park from 1pm to 5:30pm***

**AUDIT OF BILLS:**

**General Nos. 229 through 272, in the amount of \$39,821.58; and**

**Highway Nos. 67 through 79, in the amount of \$112,570.39;**

**As listed on Abstract No. 7 of 2018 dated July 10, 2018.**

A motion was made by Councilmember Smith and seconded by Supervisor Teal 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:**

**Ed Godfroy** asked if the Town is a member of the Association of Towns. Supervisor Teal stated that we are. Ed Godfroy asked if the Town Board knows that there is a private Attorney for the Association of Towns that can help the Town with legal advise free of charge. Supervisor Teal stated yes.

**EXECUTIVE SESSION:**

A motion was made by Supervisor Teal to enter an executive session to discuss two specific employee issues at 8:28pm. Councilmember Newton seconded that motion.

Roll Call Vote:

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

A motion was made by Councilmember Smith to exit executive session at 8:45pm. Supervisor Teal seconded that motion.

Roll Call Vote:

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

Councilmember Smith made a motion authorizing Supervisor Teal to respond to a letter received from Gaston Roberts of Shed Man. Councilmember Rasmussen seconded that motion.

Roll Call Vote:

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

Supervisor Teal made a motion to decline the request from the Town Constable to carry a firearm in his capacity as a town employee based on a recommendation from the Town Attorney. Councilmember Rasmussen seconded that motion.

Roll Call Vote:

Councilmember Rasmussen -	Aye
Councilmember Smith -	Aye
Supervisor Teal -	Aye

Councilmember Newton -	Aye
Councilmember Baumli -	Aye

**ADJOURNMENT:**

A motion was made by Councilmember Smith and seconded by Supervisor Teal to adjourn the meeting at 8:50 pm.

Respectfully submitted,

Tistrya Houghtling  
New Lebanon Town Clerk