

**MINUTES OF THE REGULAR MONTHLY MEETING OF  
THE TOWN BOARD OF THE TOWN OF NEW LEBANON  
HELD ON DECEMBER 11, 2018**

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

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

**Others Present:** Ed Godfroy, LVPA  
Eugenia Browning, LVPA  
Jeff Winestock, Highway Superintendent  
Bruce Shenker, NL Rep to CC Enviro Mgt Council  
Ted Salem, ZBA & ZRC Member  
Cynthia Creech, Court Clerk & CAC Member  
Bob Smith, Planning Board Member  
David Farren, CAC & ZRC Member  
Thaddeus Flint, Reporter for 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. Supervisor Teal pointed out the emergency exits.

**OLD BUSINESS:**

***LVPA: Proof of filing – Annual Report of Directors:***

Supervisor Teal stated that there has been changes in some of the laws and there has been some confusion. There was a lot of understanding that the annual report of directors that the LVPA provides us, we need proof of filing with the County Clerk. We do not. That is not required by the law and it is not required by our contract. We don't have the authority to waive it because it is not under that article 184 in the town law, it is a separate, but she would like the board to vote on providing the LVPA with a written letter from her saying that we do not require proof of filing and we will not require proof of filing moving forward.

Ed Godfroy stated that the town will still get the same report from the LVPA, but they won't bring it down and pay a ridiculous fee to file it with the County anymore.

Councilmember Smith made a motion authorizing Supervisor Teal to provide the LVPA with a letter that we will not require proof of filing of the annual report of directors. Councilmember Newton seconded that motion.

**Roll Call Vote:**

Councilmember Rasmussen -	Aye
Councilmember Smith -	Aye

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

**2019 LVPA Contract:**

Supervisor Teal asked if any board members have any questions on the LVPA contract for 2019.

Supervisor Teal made a motion accepting the 2019 contract between the Town of New Lebanon and the Lebanon Valley Protective Association and authorizing Supervisor Teal and Ed Godfroy to execute it right now.

Roll Call Vote:

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

**MINUTES:**

The minutes of the **October 30, 2018 Special Meeting & Budget Workshop; November 8, 2018 Public Hearing – 2019 LVPA Budget; November 8, 2018 Public Hearing – 2019 Town Budget; November 13, 2018 Regular Monthly Meeting; November 19, 2018 Special Meeting;** and the **November 30, 2018 Special Meeting** were reviewed. Town Clerk Houghtling stated that on the November 30<sup>th</sup> meeting, there was an error with Councilmember Rasmussen voting during a roll call vote and he was absent from that meeting. She has sent out a correction and the board members and public have all received corrected versions. Supervisor Teal pointed out a grammatical error on the November 8<sup>th</sup> PH on the Town Budget on page 2, instead of if it should be is.

A motion was made by Councilmember Smith, seconded by Supervisor Teal 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 November 30, 2018. A motion was made by Councilmember Baumli, seconded by Councilmember Newton and approved unanimously to accept the Supervisor's report as typed.

**PRIVILEGE OF THE FLOOR:**

**J.J. Smith** stated that Tax Assessor is going around to properties and the notice went out a while back. There are a lot of people that have been upset about her being on their property. She suggested that we send out an updated notice.

**OLD BUSINESS:**

***Letters of Interest – Town Historian:***

Supervisor Teal stated that we have received a letter of interest from Elizabeth Sheffer Winig. The board has a copy of her letter. She had talked to Elizabeth a while back and she is elated that she has submitted a letter. That will be something for the organizational meeting and it is a Supervisor appointment. Councilmember Newton asked if anybody has reached out to the current Historian yet. Supervisor Teal stated that she has not. She was waiting to see if he submitted a letter of interest, and he has not.

**Newsletter/Tourism:**

Supervisor Teal stated that we have been working on the newsletter. She doesn't have a final proposal. Attorney Tuczinski has been working with her on a couple different options. One is we are talking with the County and the Tourism department. There may be some assistance that we can get there. There are also 2 other options that she is looking at and she should have more detailed proposals for the board at the January meeting. The next newsletter edition goes out February 1<sup>st</sup>.

**Code Publishers/Code Amendments/TC Office:**

Supervisor Teal stated that the board had made a decision in the last code that was submitted to the Attorney to put into a local law that we have not received back yet, so it has not been filed with code publishers, that we are going to remove the policies, personnel policies and those types of policies. The cost to have code publishers do that is significant and we will add a separate page to the website and we will keep a separate binder in the Town Clerk's office where all of those policies are kept. The problem is the board has not enacted those changes yet but we have made several changes to the policies so to give the Town Clerk a clear directive and to avoid putting her in a difficult position, she would like to clarify what is expected here.

Supervisor Teal made a motion directing the Town Clerk not to send resolutions or code updates relating to town policies to Code Publishers for inclusion in eCode and further to set up a separate page on the town website under "Town Codes" tab titled "Town Policies" where said resolutions and policies will be maintained in addition to the Town Clerk's policy binder. Councilmember Newton seconded that motion.

Roll Call Vote:

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

**NEW BUSINESS:**

***2019 Columbia Greene Humane Society Contract:***

Town Clerk Houghtling stated that she is looking for approval to execute the contract. There are no changes from last year's contract.

Supervisor Teal made a motion authorizing the Town Clerk to execute the 2019 agreement with the Columbia Greene Humane Society. Councilmember Smith seconded that motion.

Roll Call Vote:

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

***Zoning Re-Write Proposal:***

Supervisor Teal asked the board if they want to do a thorough review of this during a town board meeting or do they want to hold a special meeting for this. In her review, there is quite a bit she would like to go through, questions and concerns. Her recommendation would be to hold a special meeting but that is up to the board as a whole.

Councilmember Smith stated that he would be in favor of a special meeting and he would like to hammer this whole thing out and have this whole thing resolved with that one special meeting. Supervisor Teal stated that we would then have a second packet to send to the Attorney to move forward with.

A special meeting to review the zoning re-write proposal was scheduled for Thursday, January 17<sup>th</sup> at 6pm.

***Schedule Year-End Meeting, Annual Organizational Meeting & Year End Audit:***

The following meetings were scheduled:

- Year End Meeting – Thursday, December 20<sup>th</sup> at 7pm
- Annual Organizational Meeting – Wednesday, January 2<sup>nd</sup> at 4pm
- Year End Audit – Tuesday, January 15<sup>th</sup> at 5:30pm

***Vacation Roll-over Approval – 5 days through 6/30/2019:***

Supervisor Teal stated that Hazel “Cissy” Hernandez has a significant number of vacation days banked. The maximum amount that our policy allows for rollover are 5 vacation days so she is asking if she can roll them over. If we approve it, they are valid through June 30<sup>th</sup> so if she doesn’t use them by June 30<sup>th</sup>, she will lose them, but it gives her an additional 6 months to use those.

Councilmember Smith made a motion to approve the rollover of 5 vacation days for Hazel “Cissy” Hernandez through 6/30/2019. Councilmember Newton seconded that motion.

Roll Call Vote:

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

***Planning Board – Vacancy 1/1/2019 – advertise – 2 members & chairman vacancy:***

Supervisor Teal stated that Planning Board chairman Ray Herrmann will not seek re-appointment and his term ends on 12/31/2018. We have 2 vacancies on the Planning Board. The other is Josh Schuster, he has relocated. The board had some preliminary discussion then and we hadn't filled Schuster's vacancy because there was discussion about reducing the number of planning board members to 5 from 7. Now would be the ideal time to do that if we are going to do that.

Robert Smith stated that he thinks we should keep it at 7 members. He would be uncomfortable if it went down to 5 members. Councilmember Baumli stated that he would like input from the current planning and zoning board members. Supervisor Teal stated that she will solicit input from the members.

Supervisor Teal stated that for the chair position she will get together with the building department and find out about training and other requirements, then reach out to the planning board members to get their input on who might make a good chair.

Ted Salem mentioned that if you go into January with 2 vacancies on the planning board, you may run into issues getting a quorum. Supervisor Teal stated she will get answers before the year end meeting and the board can decide then whether or not to advertise the 2 vacancies.

Councilmember Newton asked if it is normal for the Town Board to appoint a chair or if it should be the Planning Board to appoint their chair. Supervisor Teal stated that it is her understanding that there are concerns about attendance and training which is why she is going to reach out to the building department first.

***Other Vacancies – advertise:***

Supervisor Teal stated that on the Zoning Board of Appeals, Phyllis Stoller's term is up for renewal and she is interested in re-appointment. On the CAC we have 2 terms expiring, one is Craig Westcott and one is Jack Lancto. Craig Westcott is no longer a resident and Jack, from what she understands has not been attending so that would be one she would recommend advertising for. On the Ethics Board we have one term expiring for Robert Smith and he is interested in re-appointment. On the Recreation Commission we have 2 vacancies and Joe Ogilvie's term is expiring and he is interested in re-appointment leaving 2 vacancies that she recommends advertising for. Matt Larabee is not interested in continuing on the traffic advisory council or as emergency management. She doesn't see an issue with either of those. The county traffic advisory council she would like to follow up on. That is one of the areas that she is working with right now to determine. It is her understanding that throughout the other counties, that is the committee that helps make a determination of where NYS DOT funding should be prioritized. She would very much like to get involved with that as we look at Route 22. For emergency management, she does that anyway. She does not see a need to advertise for traffic advisory council and emergency management.

Supervisor Teal stated that she would definitely say we should advertise for the 2 CAC and 2 Recreation Commission vacancies. She asked if the board has any interest in advertising for any other positions.

Supervisor Teal made a motion to have the Town Clerk advertise for 2 vacancies on the Conservation Advisory Council and 2 vacancies on the Recreation Commission with letters of interest due by Friday, January 4<sup>th</sup> at 4pm. Councilmember Newton seconded that motion.

Roll Call Vote:

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

***Certificate of Appreciation – Ray Herrmann:***

Supervisor Teal stated that Ray Herrmann has been on the Planning Board for just over 30 years. She will be preparing a certificate of appreciation to present to him at the January regular monthly meeting.

***Comprehensive Plan Review – 2 year grant:***

Supervisor Teal stated that David Farren came to see her about a grant that is available for re-doing our comprehensive plan. It is a 2 year grant for a comprehensive plan review. If we are looking at it for 2019, the application would be due in February. Our comprehensive plan does need review. It was adopted in 2005. The state has different recommendations, 5 years or 10 years. She feels our town is small enough to not need it every 5 years. 10 years is probably a good marker. 15 years at the top end. There is no way to do this for the February 2019 application process, but developing a comprehensive plan committee, developing a scope of work for any consultant that we may want to have involved, getting quotes from them and having everything prepared for an application for 2020 in February could be the work of 2019. If we did it that way, it would make the review finalized in 2022. We would be at 17 years, a little bit on the high side, but not anywhere near where we were before with 1965 to 2005. This should be a much easier update.

David Farren stated that he thinks it would be tight for the February 2019 grant application, but feels like it could be doable. They wouldn't announce the grant award until months after the deadline so we would have time to form the committee in that time. The CAC is willing to help with the grant application to reach the deadline of February 2019. He will look at what the grant application entails and have an answer by the year end meeting as to whether or not it is doable. He stated that the grant is through the Greenway, not NYS so his understanding is that the process is much less intensive and not as detailed.

Cynthia Creech stated that she believes it is doable by the February 2019 deadline if we have someone with experience in this area who is willing to devote the time. Supervisor Teal stated that you will need to have a clear scope of work for the project and quotes from consultants on what that will cost. Cynthia Creech stated that if you have people that are accustomed to this particular type of work, they will know the process and be able to navigate it much easier than people without experience. She feels that there are

potentially people in town who could spearhead this type of project.

Councilmember Rasmussen asked if we have seen the grant application to see what it is that needs to be submitted. He thinks that is the right starting point because sometimes they are looking for a book and other times they need a paragraph and that would determine if it is doable by February 2019 or not.

Cynthia Creech suggested they get a group together, look over the application, find out what exactly is needed and if it is doable within the time frame and report back to the board at the year-end meeting.

***EMC Resolution Request:***

Supervisor Teal stated that we have a request from the Columbia County Environmental Management Council, a resolution on carbon fee and dividend, a policy to address climate change.

Bruce Shenker stated that at their last meeting, as part of their scope based on Article 47, the State Environmental Conservation Law, it is the responsibility of this council to advise on all matters affecting the preservation of natural resources of the County and as part of that they passed a resolution supporting a specific action on climate. It is not asking the board of supervisors to do anything. It is basically expressing the opinion of community leaders to generate political will so that Congress or the State Assembly would take specific action. It is a resolution endorsing a plan to show that people that are involved in the process, support this kind of action. It is to give a message as community leaders to the people responsible for passing laws.

The reason he is here is that part of the resolution states “be it further resolved that this council recommends that the individual municipalities in Columbia county as well as the county board of supervisors consider passing similar resolutions to inform our elected officials at the federal level of local support of the policy. That is why he has come to the town board, as leaders of our town, to support something. He can go into as much specific as they want. We can postpone it. We can have a special meeting with more detail.

A special meeting was set for February 12<sup>th</sup>, 2019 at 6:30 for a more detailed presentation on this resolution. This will be directly before the regular monthly meeting.

**COUNTY UPDATES:**

***Solid Waste – Recycling:***

Supervisor Teal distributed a handout to all the board members and the public with the new protocols for the new recycling. There is going to be an annual fee now for recycling at a county level. She stated that recycling has hit a big snafu and the costs for recycling have gone through the roof. They had to make a decision at the County level. A lot of people, especially in the rural areas, pay for curbside pick up from private vendors. To put the cost solely on all the taxpayers, didn't seem appropriate. The same as we charge for bags, now we charge for recycling. If you are getting curbside pickup, you are getting that increased cost for the recycling through your provider so having a user fee at the County level to absorb some of that cost seemed to be the most appropriate. It is \$50 for the year

and you will get two stickers for 2 different vehicles and that is what you need starting January 1, 2019 to bring your recycling to any County recycling station. The products that are being recycled have also been significantly reduced.

***2019 County Budget:***

Supervisor Teal stated that the County Board of Supervisors had a meeting on the proposed 2019 county budget last week. The county is financially strong and there has been consistent improvement over the past several years. There is an approximate 1.7% increase in the amount to be raised by taxes over last year, however, with an \$88 million dollar increase in assessed values in the county, residents will not see an increase on their county tax bill and many will see a decrease. Sales tax is currently 8.2% ahead of last year and possibly the highest in the state. Columbia County has one of the fastest growing tourism industries in the Hudson Valley Region. In 2017, traveler spending in Columbia County increased \$154.6 million dollars and tax revenues generated by tourists grew by 8.4%.

***Airbnb:***

Supervisor Teal stated that Airbnbs do a report on their top destinations and Catskill Mountains and Hudson Valley, NY are #11 on their list worldwide. The County right now has a new committee working on a possible occupancy tax so that the County would collect sales tax on these types of establishments which would further increase the sales tax revenue for the County which then does trickle down to the towns.

**COMMITTEE/LIAISON REPORTS:**

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

Councilmember Rasmussen stated that Assessor Cammer had a meeting a couple of weeks ago with the State and County tax authorities regarding the 2019 re-assessment project. She received confirmation that she is perfectly on schedule. Every step of the process up until now has been completed. She is continuing the process by working on vacant and residential properties. She is just about ready to submit the plan.

Supervisor Teal stated that we are under a 2% tax cap review. Annually OSC takes a random mix of towns and puts them under a tax cap compliance review. One thing that came out of ours was that our CLC PILOT payment is not an official PILOT. We don't have an agreement, there is no statutory obligation for them to make that payment. Going forward, that will probably be converted to a donation instead of a PILOT.

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

No report.

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

Bruce Shenker stated that the EMC has a group that is working on coming up with a report on the local effects of climate change. He will bring the report when it is ready. He stated that someone brought a document from somewhere in Washington that had a list of products and how you dispose of them and they thought that was a very useful resource. They are going to work on creating one for Columbia County. They are also talking about plastic bags. Many counties have address this issue either with an outright

ban on plastic bags or charging a small fee for them. They are in discussion on this as well.

David Farren stated that the CAC will meet on the first Monday of January at 6:30pm instead of their usual second Monday of the month.

***Fire, Law Enforcement & Emergency (Councilmembers Smith & Newton):***

No report.

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

Councilmember Smith stated that the pad is in for the tank for the PESH project. There is a little delay for the tank that is ordered. The electrical is not going to be as quick and easy as thought. Randy Hatch reviewed the plans and this is out of the scope of the work he does. Councilmember Smith stated that he reached out to Highland tank and he will get a hold of him tomorrow and give him a couple of references of electricians who can do the work. He will get at least two prices. At one of these meetings we can schedule it because the tank is 6 weeks.

Supervisor Teal stated that she spoke with Joe Fuller at PESH and he feels that because we have already begun the project and are in the process he is not concerned. She needs to submit the paperwork for the extension request. They discussed the lead time on the tank, the weather, the fact that the tank has to be in place to install the electric so she is going to ask for an extension through February 28<sup>th</sup> which gives us an additional 4 weeks from when the tank should arrive. Councilmember Smith stated that Engineer McCreary is emailing him prices for the electrical in the morning and he will forward them to the whole board. He will also email the price for the carport which will be a price without installation. Supervisor Teal stated that the price for the carport is around \$3,600 per Engineer McCreary.

Councilmember Smith asked Highway Superintendent Winestock if he would dig the holes for the ballards that have to go around the fuel tank. Highway Superintendent Winestock asked why we need ballards. Supervisor Teal stated that we have to place them for safety so vehicles can't hit the tank. Highway Superintendent Winestock stated that he is more concerned with the fumes. Councilmember Smith stated that we may need to wait to put the ballards in until we have the tank in place. He stated we may be able to use jersey barriers temporarily until we can place the ballards. He will contact DOT to see if they can loan us some jersey barriers.

Councilmember Baumli asked if we can request an extension until Spring so we can do the whole project including the ballards. Supervisor Teal stated she doubts they will do that but she will try.

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

Steve Oberon stated that this weekend, Kevin Fuerst the Town Historian and he will be locating and marking the limits of the old Shaker Cemetery that is on brickyard road.

Councilmember Baumli stated that someone told him the Tilden Monument is very clean and is almost white. He asked if they have finished the restoration. Steve Oberon stated he

doesn't think it is completely finished as they had some weather problems and he has another week's worth of work to finish. Councilmember Baumli stated that once they are done, he would like us to make an announcement to the public.

Supervisor Teal stated that we also want to put signs up for the monument. The cemetery owns that triangle and Steve Oberon has been working with the cemetery board to get signage up there. Steve Oberon stated that they are trying to get people who drive up and down Route 22 to see that is where the Tilden site is and to make the Cemetery of the Evergreens sign a little more visible.

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

No report.

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

Councilmember Newton stated that they talked about painting the doors on the new shed but they are on hold until Spring.

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

No report.

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

No report.

**ANNOUNCEMENTS:**

***DECEMBER:***

***Thursday, December 20<sup>th</sup> ~ Year-End Town Board Meeting @ Town Hall @ 7:00 pm***

***JANUARY:***

***Wednesday, January 2<sup>nd</sup> ~ Annual Organizational Meeting @ Town Hall @ 4:00 pm***

***Tuesday, January 8<sup>th</sup> ~ Regular Town Board Meeting @ Town Hall @ 7:00 pm***

***Tuesday, January 15<sup>th</sup> ~ Year End Audit @ Town Hall @ 5:30 pm***

***Thursday, January 17<sup>th</sup> ~ Special Town Board Meeting – ZRC Recommendation Review @ Town Hall @ 6:00 pm***

**BUDGET AMENDMENT:**

**Budget Amendment #10 of 2018:**

**General Fund:**

\$11,700	from Unallocated Fund Balance
\$2,689	from A-1990.4 (Contingency)
\$1,500	from A-1620.1 (Buildings: Personal Services)
\$5,000	to A-7110.2 (Parks: Equipment – Park Shed)
\$1,200	to A-7110.4 (Parks: Contractual Expenses - Pavilion)
\$5,500	to A-5132.2 (Garage: Equipment – PESH/Fuel Tank)
\$250	to A-1430.4 (Personnel: Contractual Expenses)

\$488 to A-8010.1 (ZBA: Personal Services – ZBA Clerk)  
\$1,463 to A-8020.1 (Planning: Personal Services – PB Clerk)  
\$488 to A-8664.11 (CEO/ZEO: Personal Services – Clerk)  
\$1,500 to A-7110.1 (Parks: Personal Services)

**Highway Fund:**

\$4,500 from DA-5110.4 (General Repairs: Contractual Expenses)  
\$4,500 from DA-5130.4 (Machinery: Contractual Expenses)  
\$9,000 to DA-5142.4 (Snow Removal: Contractual Expenses)

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

Roll Call Vote:

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

**AUDIT OF BILLS:**

**General Nos. 433 and 434, in the amount of \$44,680.00; and  
Highway No. 132, in the amount of \$14,977.00;  
As listed on Abstract No. 11A dated December 11, 2018;**

**General Nos. 435 through 476, in the amount of \$80,029.92;  
Highway Nos. 133 through 142, in the amount of \$23,692.03; and  
Escrow No. E18-13, in the amount of \$100.00;  
As listed on Abstract No. 12 dated December 11, 2018.**

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

**Jeff Winestock** stated that there was a counter across the road on Route 20 and obviously we are going to have snow and the county guys are going to have to go down and plow that road and if the plow hooks on to that hose or wire, it could easily kill somebody. He doesn't think it's that important to count the cars in the winter that we have to put people's safety at risk.

**ADJOURNMENT:**

A motion was made by Supervisor Teal and seconded by Councilmember Newton to adjourn the meeting at 8:23 pm.

Respectfully submitted,

Tistrya Houghtling  
New Lebanon Town Clerk