

**MINUTES OF THE SPECIAL MEETING OF  
THE TOWN BOARD OF THE TOWN OF NEW LEBANON  
HELD ON JANUARY 17, 2019**

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

**Recording Secretary:** Marsha Robertson, Deputy Town Clerk

**Others Present:** Cissy Hernandez, CEO/ZEO/Building Dept Admin  
Jeff Hattat, Deputy CEO/ZEO  
Ted Salem, ZBA & ZRC Member  
Tony Murad, ZBA Chair

**CALL TO ORDER:**

The meeting was called to order at 6:00 p.m. by Supervisor Teal.

**ETHICS REGULATION:**

Supervisor Teal stated that there was a question as to whether or not, if we appointed a particular party to the Planning Board, that would preclude them from bidding on projects. The Association of Towns stated that State law does not prohibit it but we should look at our Town Ethics Law which clearly forbids it. Councilmember Smith asked if we might want to look at that as it prohibits some current town employees and board members from bidding on projects for the Town. He doesn't think it makes sense. He thinks we should look at possibly amending our Ethics Law to not prohibit town employees and board members from bidding on town projects.

Councilmember Baumli stated that he would be open to the town adopting whatever the state law says. Supervisor Teal stated that ours is from the state's. There are 2 versions, one is from Dept of State or OSC and one is from the Attorney General's Office. Whichever one we selected, ours didn't used to read like this, but we used their format. Councilmember Smith stated that nothing in either of the state laws prohibits this. It would have been fine if it wasn't in the Town Ethics Law. Supervisor Teal stated that the biggest thing is the sniff test, so if it causes us to question it, she thinks that is why former boards put it in. If we are questioning it, is the public going to question it. It is the appearance of impropriety. If the majority of the board wants to change it, we can but her feeling is that we are then doing what she doesn't think we should be doing. If we are questioning an action because we suspect it may not be allowed, there is going to be people out in the public. At training we learn that, regardless of what the law says, if it smells funny or feels funny than it's going to appear that way to the public.

Councilmember Smith stated that he would be open to amending the town law. Councilmember Newton stated that he would be open to looking at it. He stated that we are such a small community with a small base of stuff. If he was a part owner or had interest or

profit sharing in his business, we couldn't shop there, which is pretty restrictive. You will limit the number of people who can sit on these boards. Councilmember Baumli stated that he would like to take a look at it. Councilmember Smith stated that he will get more detail from the Association of Towns. Supervisor Teal stated that she would also have the Town Clerk pull the prior version of the Town's Ethics Law because it was very different.

Supervisor Teal stated that Councilmember Smith had requested an executive session at the February meeting to discuss an email she had sent out. She asked the Town Board if they would like the Town Attorney present at that meeting. Councilmember Smith stated that this is regarding the email that went out regarding zoning complaints and how they should be handled so he figured it would be great to have an executive session. Councilmember Baumli and Councilmember Newton stated that they do not need the Attorney there.

### **ZRC PROPOSAL:**

The Town Board reviewed the document "Proposed Changes to Home Occupation in NL Zoning Code – 10-24-18" prepared by the Zoning Re-Write Committee and agreed to the following changes:

- On page 4, section 6 – change "P in all zones...", to "SPSPR in all zones..." – just a typo error here
- Use Table has not yet been reviewed by ZRC, will be addressed in the future
- All other recommendations in this document were accepted by the Town Board as recommended by the ZRC

The Town Board reviewed the document "Proposed Revisions to Miscellaneous Sections to Town Code – 10-24-18" prepared by the Zoning Re-Write Committee and agreed to the following changes:

- On page 9 of the zoning code (not addressed in ZRC proposal), Chapter 205-8, section B (2), add in "or surrounding properties" at the end of the sentence
- The Town Board asked the ZRC to look at the distance required from the center of the road for vehicles displayed at auto sales locations – it is currently 75ft and the Town Board requested 25ft per Jeff Hattat's suggestion
- All other recommendations in this document were accepted by the Town Board as recommended by the ZRC

The Town Board reviewed the document "Proposed Revisions to Signs and Posters Sections to Zoning Code 10/24/18 with Definitions" prepared by the Zoning Re-Write Committee and agreed to the following changes:

- On page 5, section J (9) – include a statement at the end stating "... so long as it doesn't violate the building code..." – to ensure that the required amount of light is still allowed in
- On page 3, section 11 (a) – add the word "feet" at the end to read "Maximum square footage of any attached sign shall be 100 square feet." – also the ZRC should work on defining better the size allowed for signs attached to buildings

- On page 3, section 9 (b) – remove the word building and bring number to two to say “two banners and/or flags not exceeding 15 square feet each in size are permitted.” – In addition to the banners allowed on residential and commercial, each location may also have one American flag
- On page 4, section D – change “...upon order of the Town Board...” to “... upon order of the Code Enforcement Officials...” – add in that a sign in disrepair or obsolete may also be painted over in a neutral color instead of being removed (they can either remove it OR paint over it in a neutral color)
- On page 5, section K (1) – add in “feet and in good repair” to read “...not exceeding six square feet and in good repair is permitted...”
- On page 5, section K (3) – add in “and up to 3 offsite directional signs”

**ADJOURNMENT:**

A motion was made by Supervisor Teal and seconded by Councilmember Baumli to adjourn the meeting at 8:38 pm.

Respectfully submitted,

Tistrya Houghtling  
New Lebanon Town Clerk