

**MINUTES OF THE REGULAR MONTHLY MEETING OF  
THE TOWN BOARD OF THE TOWN OF NEW LEBANON  
HELD ON MAY 14, 2019**

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

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

**Others Present:** Steve Powers, CAC Member  
Ted Salem, ZBA Member & ZRC Chair  
Bill Black, CC Emergency Management  
Jeff Winestock, Highway Superintendent  
Bruce Shenker, NL Rep to CC Enviro Mgmt Council  
Eugenia Browning, LVPA  
Judy Zimmer, NL Rep to CC Office for the Aging  
Cynthia Creech, Court Clerk & CAC Member  
Robert Smith, Planning Board & Ethics Board Member  
Tegan Cook, Planning Board Member & Rec. Comm. Member  
Jeannine Tonetti, Ethics Board Chair  
David Farren, CAC Member  
Thaddeus Flint, *The Eastwick Press*  
Several members of the public

**CALL TO ORDER:**

The meeting was called to order at 7:01 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 9, 2019 Public Hearing on Proposed LL#1 of 2019, April 9, 2019 Regular Monthly Meeting** and the **April 16, 2019 Special Meeting** were reviewed. A motion was made by Councilmember Smith, seconded by Councilmember Newton 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, 2019. Councilmember Smith noted that the amount received in April for the Judges was for two months worth of fines. Supervisor Teal stated that she would look into it. She isn't sure if the Judge's turned their checks in late or if she was late in depositing them. A motion was made by Councilmember Smith, seconded by Councilmember Newton

and approved unanimously to accept the Supervisor's report as typed.

Supervisor Teal stated that the first quarter sales tax is two thousand dollars less than our fourth quarter was. Our first quarter is always the smallest and our fourth quarter is the largest. That is very good news. Our sales tax is going up significantly.

**CERTIFICATE OF APPRECIATION:**

Supervisor Teal stated:

*Gregg Carroll handmade a history time-line for the Town of New Lebanon that was on display at the Heritage Center at the Valley Plaza. When the Heritage Center closed permanently, Gregg contacted me to offer the time-line to the town. The time-line has been installed in the hallway leading to the Building Department. It has only been up for a few weeks and I have already seen numerous people here viewing it. It is comprised of 96 separate entries, each on a small carved wooden plaque. 29 entries are for US history and 67 are for local history. It is phenomenal and well worth a look. Gregg, this certificate of appreciation is from the New Lebanon Town Board to express our gratitude for your dedicated and distinguished service to the New Lebanon community. Thank you so much for all that you do for our community.*

Supervisor Teal presented Gregg Carroll with a certificate of appreciation.

**MOBILE HOME PARK REQUEST:**

Supervisor Teal stated that she has an addition to the agenda. She stated that Bill Black is here to present to the board. Bill Black stated that any mobile home expansion or change has to go before the Town Board. He would like to subdivide the property and split the trailers, 3 and 3, right down the middle of the road, for estate purposes further down the road. They are still working through some health department issues but will have it finalized soon. There will be two wells on the property, so 3 of the trailers will be served by one well and 3 will be served by the other well. For the septic, they will make sure that there is paperwork to support that. He understands that the town board cannot act on that, but he doesn't want to go through all of it if the town board has an issue. He would like to know and if the Town Board supports the idea, then he will go to the Planning Board and start that process.

Supervisor Teal stated that her rationale on this is that it is the Planning Board that's going to determine the subdivision of land. The Town Board, however, has the authority over the park. To have him go through the whole subdivision process if we have any reason we wouldn't approve the park being subdivided, it doesn't make sense to send him through the process unless we are sure. Councilmember Smith stated he thinks it is great. Councilmember Baumli stated that he has no problem with it. Councilmember Newton and Councilmember Rasmussen had no issue with it.

**BIDS:**

***Pavilion Bathrooms:***

Supervisor Teal asked the Town Clerk to waive the reading of the bid notice and enter it into the minutes.

**NOTICE TO BIDDERS**

NOTICE IS HEREBY GIVEN that the Town of New Lebanon, NY is seeking bids for the NEW RESTROOMS AT WEISBUCH PAVILION PROJECT at Shatford Park, the Town's Municipal Public Park. The Town of New Lebanon invites sealed proposals for the construction of an addition to the existing Weisbuch Pavilion that will contain two (2) restrooms for park users. Both restrooms will be accessible restrooms. As with the previous restrooms and associated park facilities, the addition is not for year-round use. The addition will not be conditioned space. The construction will consist of a shallow, frost protected, haunched reinforced concrete slab foundation, conventional lumber framed walls with finishes, roof trusses, metal panel siding and roofing, plumbing fixtures, electrical fixtures, etc.. The bids are to be submitted and shall cover the costs directly and indirectly associated with furnishing all materials, labor and related equipment necessary for the installation and completion of the work.

As a Municipal Project, New York State Department of Labor Prevailing Wage Rates apply. While both Plumbing and Electrical work and trades are associated with the work, this project is exempt from Wicks Law as it does not meet the minimum anticipated construction costs for the requirement of separate trade bids. This is a General Contractor with sub-contractor(s) project. This contract has been designated Contract 2019-001 as set forth in the contract documents, including drawings and specifications.

Bids will be received by the Town Clerk of the Town of New Lebanon, NY, Town Hall, 14755 Route 22 North, New Lebanon, NY 12125. until 3:00 PM on or before Monday, May 13, 2019. at which time and place they will be publicly opened and read aloud, with the contract being awarded, if acceptable, on May 14, 2019, 7:00 PM, at the regular Meeting of the New Lebanon Town Board at 14755 Route 22, New Lebanon, NY 12125.

All bid and contract documents, including specifications governing the contract, may be examined free of charge at the Town Clerk's office during the Clerk's business hours of Monday, Wednesday, Thursday, and Friday from 9:00 am to 5:00 pm. Copies of the Bid Documents may be obtained at the Town of New Lebanon Town Hall on or after April 29, 2019.

No bid will be accepted unless a signed Certificate of Non-Collusion is submitted with the bid.

The Town of New Lebanon Town Board expressly reserves the right to waive any irregularities in or to accept any bid or to reject any and all bids or to award on any or all items.

No bidder may withdraw his/her bid within twenty-five (25) days after the actual date of the bid opening.

Project timeliness is important. The entire project must be completed by August 30, 2019 with plumbing rough-in and foundation completed by June 28, 2019.

Supervisor Teal stated that we did not receive any bids for the pavilion bathrooms. Town Clerk Houghtling stated that this bid notice went into the Times Union and the Eastwick Press. She contacted some of the local contractors. Councilmember Smith stated that he also contacted some local contractors and Engineer McCreary contacted some contractors. He stated that he is surprised we didn't get any bids because at the last meeting the board authorized him to work with Engineer McCreary to lower the insurance requirements because it was \$3 million before which was preventing some local contractors from bidding. They brought that down to \$1 million insurance policy. He is surprised because he thought there were two people that were going to bid on it. He asked the Town Attorney if we need to go out to bid again.

Attorney Tingley stated that the statute requires that any contract exceeding a certain amount be awarded after competitive bidding and that requires bidding. By the language of the statute the town would have to re-bid the project. Having said that, there is a comptroller opinion from the 1980s which recognizes where bidding has been attempted and no bids have been received and then bidding has been re-attempted and a wider net has been cast and still no bids have been received, that in that case, it is the comptroller's opinion that a town has done its due diligence in attempting to seek competitive bids and can then just contract for the work. Having said that, it is one comptroller's opinion from the 1980s and it is not 100% consistent with the language of the statute. Having said that, he does not believe anybody in the state legislature intended for the town not to be able to do things because they could not get bids so we are in a grey area where the town has done its best to do bids. The town has reduced the insurance minimums, reached out beyond just the official paper, contacted contractors directly, and still have received no bids. If this work needs to be done, he thinks the town would be able to rely on that comptroller's opinion and that record to establish that they can legally contract for the work if that is what the town would like to do.

Councilmember Smith stated that he thinks we should go out to bid one more time and then if we still get no bids, go with just a contract. Councilmember Newton stated that he agrees with going out to bid another time because this project is way over the threshold. If it was just over the threshold, he would be more comfortable with it but it is no where near the threshold. He stated that his concern is the time schedule. Councilmember Smith stated that we may have to go out to fall for the work. Supervisor Teal stated that she thinks the project would need to start after summer camp ends on August 23<sup>rd</sup>.

A general conversation ensued regarding the timing of the bids and the work. It was decided that the Town Board would authorize going out to bid at the June meeting with work to begin after August 23<sup>rd</sup> and be finished by October 31<sup>st</sup>.

**OLD BUSINESS:**

***Generator Bid:***

Supervisor Teal stated that we have a request to allow the bidder to withdraw their bid due to the fact that both partners were out of town and were unaware of the change for the bid to provide prevailing wage and fulfilling this contract would be a financial hardship. She stated that she is inclined to allow this because we have a difficult time getting bids as it is and the last thing she wants to do is force someone to follow through. Councilmember Baumli stated that he is okay with it because this is a bidder that has done a lot of work for the town and has never backed out of a bid before. Councilmember Newton stated that speaks to the fact that the bidder should have known that it was prevailing wage as it was a municipal project. Councilmember Smith stated that he spoke with the Town Engineer

Councilmember Smith made a motion to allow the Generator Store to withdraw their bid for the generator. Councilmember Newton seconded that motion.

Roll Call Vote:

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

Supervisor Teal stated that our option on the generator is to go back out to bid again or to look at NYS contract pricing. She did some preliminary research and there is some NYS contract pricing for generators. She spoke with Engineer McCreary and he will work with her or Councilmember Smith to put together a package based on the NYS contract pricing. Councilmember Smith stated that he thinks we are better off going with NYS contract pricing. Supervisor Teal stated that if we go back out to bid, everything is already on the table. It would not be a true competitive bidding process as prices have already been revealed from the first bid process.

Supervisor Teal made a motion to reject all bids that came in for the notice to bid for the generator project. Councilmember Baumli seconded that motion.

Roll Call Vote:

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

***Propane Bid:***

Supervisor Teal asked the Town Clerk to waive the reading of the bid notice and enter it into the minutes.

**NOTICE TO BIDDERS**

NOTICE IS HEREBY GIVEN that the Town of New Lebanon, NY is seeking bids for the following item for use by the NEW LEBANON TOWN HALL through 4/30/2024:

HD-5 PROPANE – Delivered to the Town Hall as needed for a 20kw Briggs & Stratton Fortress LP Generator that is used on an emergency basis if the Town Hall loses power.

The bid must include three 100 gallon propane tanks installed. The bid must specify any additional cost over the cost of the propane for installation and/or removal of the tanks or specifically state if there is no fee charged for installation and/or removal. If the bid includes any labor costs, New York State Prevailing Wage Rates must be met/used as this is a public project.

Bidder must guarantee to deliver propane at such times and places, and in such quantities, as may be ordered by the Town. Failure on the part of the contractor to make timely deliveries of propane 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 Selkirk BPN, or the Global Terminal at noon on Monday, May 6, 2019.**

**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 4/30/2024*) may be submitted as well.

Sealed bids (*on the form provided by the Town of New Lebanon*) must be in plain envelopes, clearly labeled only with the word “propane”, 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, May 10, 2019. Electronic and faxed bids will not be accepted.

Bids will be opened at the Office of the Town Clerk on Friday, May 10, 2019 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, May 14, 2019. The Town Board reserves the right to reject or accept all bids.

Town Clerk Houghtling stated that we received one bid from John Ray and Sons with a fixed add of \$1.00, a total cost of \$1.929, an installation and tank cost of \$830 and a removal fee if the tanks need to be removed of \$275.

Councilmember Smith made a motion to accept the propane bid from John Ray and Sons for propane contingent on the generator being installed. Supervisor Teal seconded that motion.

Roll Call Vote:

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

***Newsletter:***

Supervisor Teal tabled this until the June meeting.

***Ethics Law:***

Supervisor Teal stated that there was a question from the board regarding our current Ethics Law which expressly prohibits any town officer or employee from being involved in any contract, either individually or as a member of a board, and that is much more restrictive than the state regulation.

Attorney Tingley stated that the state prohibits a town officer or employee or board member from having an interest in a contract where that person, either individually or as a member of a board, has approval authority over awarding the contract, supervisory authority over performance of the contract, approval of payment, things of that nature. The town's ethics code he thinks was intended to track that language, but there was a language difference between the two provisions that effectively prohibits any town officer or employee or board member from having any interest in any contract with the town, even if they have no relationship to the contract whatsoever. He believes this language difference was unintended and the effect of that is there is a whole population of people that are prohibited from contracting with the town because they happen to have some relationship with the town and that is not a prohibition that is imposed by state law. He stated that he provided the board with a suggested change to that provision, if the board intended to make the Town Ethics Code consistent with state law.

Councilmember Rasmussen asked Attorney Tingley if he thinks it was unintended because we have some correspondence from the time saying that. Attorney Tingley stated no, he is saying that because if you read the entire provision in the Ethics Code it actually prohibits any member of any board in the town from even approving a contract, which means read literally that would prevent the Town Board from approving any contracts, even though they don't have an interest in it. Councilmember Rasmussen stated that he agrees that the Town Board has to be able to award contracts, but he is not so comfortable with the idea of then saying that anyone who works with the town in any capacity can have a contract. Supervisor Teal stated that it cannot be a capacity where the person contracting has any oversight. Her perspective is that the state is going to make sure that the residents are protected, where there is some latitude there is what we ran into tonight. We are already struggling with getting bids and when we then take anyone who happens to be involved in any town government, even on the CAC or a board that doesn't even have any direct impact on that contract, we are then making it even harder for ourselves. Councilmember Smith stated and they are sealed bids.

Ethics Board Chair, Jeannine Tonetti, asked for clarification in the wording between the state version and town version and what specifically differs in the language. Attorney Tingley read the two versions and stated that there is only one word different. In the stated version it says when and in the town version it says nor, which significantly changes the regulations. Councilmember Rasmussen asked if we seeked the guidance of our own Ethics Board before we got to this point. Supervisor Teal stated no but asked Jeannine Tonetti, the Ethics Board chair if she had any input. Jeannine Tonetti stated that the Ethics Board wants to make sure that nobody lines their pockets, which is the core of the Ethics, to ensure that no town official is making money off the town. Supervisor Teal asked if the Town Board approved changing that one word from nor to when, would she be okay with that. Jeannine Tonetti stated that she would leave it up to the advice of the Attorney. The Town Attorney stated that the Town Board has the legislative authority to change it by local law as long as it is not less restrictive than state law.

Councilmember Smith made a motion to task the Town Attorney to draft a local law to amend the Town Ethics Code. Supervisor Teal seconded that motion.

Roll Call Vote:

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

***Building Department Clerk – Resignation/Appointment:***

Supervisor Teal stated that the new building department clerk has resigned for personal reasons. She stated that the request of the Building Department is to appoint Michelle Bienes, who is currently serving as the p/z clerk, to this vacancy. Supervisor Teal did make that administrative decision to allow them to get through the timeframe and she is asking the board to now make a formal appointment.

Supervisor Teal made a motion to accept the resignation of Elizabeth Keefner as the building department clerk and to appoint Michelle Bienes as the building department clerk at \$13.00 per hour for 10 hours per week. Councilmember Smith seconded that motion.

Roll Call Vote:

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

***NL Library – NL200 Funds:***

Supervisor Teal stated that the New Lebanon Library has asked her to table this agenda item. This was tabled to the June meeting.

***CCMIS Agreement – IT Services:***

Supervisor Teal stated that the Town Board had approved the CCMIS proposal. Those were estimates and everything, when we come in with the actual numbers, is going up and down. So far it has zeroed out. The proposal was approved as submitted which means each line item at that amount was approved. She asked the Town Board to approve the total amount plus \$500 which would bring us to \$6,100, still a significant savings from last year. She stated that there is also an option to go to a 3 year license on some of the software which saves us money from the 1 year license. She stated that on Sophos, the 1 year is \$396.33 and the 3 year is \$792.67. She would be inclined to go to the 3 year and that would be another \$396. She would ask that the total be adjusted to \$6,548.34.

Supervisor Teal made a motion to approve the proposal from Columbia County MIS for 2019, with the total not to exceed \$6,549. Councilmember Smith seconded that motion.

Roll Call Vote:

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

***Recreation Commission Vacancies:***

Supervisor Teal asked the Town Clerk to waive the reading of the bid notice and enter it into the minutes.

**PUBLIC NOTICE  
TOWN OF NEW LEBANON  
COMMISSION VACANCIES**

**NOTICE IS HEREBY GIVEN** that the New Lebanon Town Board is seeking persons interested in serving in the following positions for terms as noted:

**Recreation Commission Member** (2 positions available - 7 year term each – one term expires 12/31/2020 and one term expires 12/31/2024): Recreation Commission members must be residents of the Town of New Lebanon. The Recreation Commission is vested with the authority to establish, equip, operate, and maintain playground and community programs and facilities. They help organize and coordinate community events such as Music in the Park and the Community Picnic. They meet once a month, as needed.

**NOTICE IS FURTHER GIVEN** that unless otherwise specified, all applicants must be residents of the Town of New Lebanon. Persons interested in serving in any of these positions are to submit a letter of interest to the New Lebanon Town Clerk. Letters may be submitted via mail to P.O. Box 328, New Lebanon, NY 12125; delivered to the Town Hall at 14755 Route 22; or emailed to [townclerk@townofnewlebanon.com](mailto:townclerk@townofnewlebanon.com).

Letters must be received in the Office of the Town Clerk by 4:00 p.m. on Friday, May 10, 2019.

Supervisor Teal stated that we did receive one letter of interest from Scott Powers. Councilmember Smith asked if the Recreation Commission has given any feedback. Supervisor Teal stated no. Town Clerk Houghtling stated that the Recreation Commission wants to fill their vacancies.

Supervisor Teal made a motion to appoint Scott Powers to the Recreation Commission for the term expiring 12/31/2024. Councilmember Smith seconded that motion.

Roll Call Vote:

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

***Highway Fuel Tank – carport/fence:***

Supervisor Teal stated that we need to move forward to get the carport and fence around the outdoor fuel tank. Councilmember Smith will take lead on getting quotes on these items to see if we need to go out to bid or not.

***Highway 284 Agreement:***

Supervisor Teal stated that she has a 284 Agreement proposed by Highway Superintendent Winestock. She stated that we have a total of \$250,000 for general repairs, upon 48 miles of town highway and for permanent improvements on the road commencing at County Route 5 and leading to the end, a distance of 1 mile shall be expended not a sum over \$50,000, type of work is double seal, width of travelled surfaces 18 feet and with the road commencing at Kelly Road and leading to the corner, a distance of ½ mile there shall be expended not a sum over \$100,000 for gravel, width of travelled surfaces 20 feet, thickness is 1 foot. She stated that all of the improvements are state funded. The state asks for this to be done in January, but doesn't give us their funding until May. Supervisor Teal passed the 284 Agreement to all the Town Board members to review and stated that we need 2 copies signed. All Town Board members and Highway Superintendent Winestock and Supervisor Teal all signed both copies and gave to the Town Clerk for filing.

***Tennis & Basketball Courts - maintenance:***

Supervisor Teal stated that she and Councilmember Smith spoke about tennis and basketball court maintenance. He is going to put something together. Councilmember Smith stated that he will put together a yearly thing and he will reach out to Copeland for the sealing and see what their recommendations are. Supervisor Teal stated to ask them what the park maintenance staff should be looking for when they inspect the courts. Councilmember Smith stated that he will put it in writing on the form. Councilmember Smith stated that when we did the basketball court, they were kind enough to go over and seal the tennis courts on the edges so the maintenance has been done for this year.

***Auctions International (2 items):***

Councilmember Smith stated that we put two trucks on Auctions International. The 2008, the truck that got rolled over, the highest bid was \$15,600 which Highway Superintendent Winestock seems to be happy with.

Councilmember Smith made a motion to accept the bid of \$15,600 on the 2008 International Truck through Auctions International. 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 stated that the highest bid for the 1999 Dump Truck was \$3,550. We are required to give them a price of what we will accept after closing. He talked with Highway Superintendent Winestock and he would be willing to accept \$6,000 on that truck.

Councilmember Smith made a motion to let Auctions International know that the minimum bid we are willing to accept on the 1999 Dump Truck is \$6,000. Supervisor Teal seconded that motion.

Roll Call Vote:

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

***Updates:***

- **Building Permit Applications (Town):**

Supervisor Teal stated that she has prepared the building permit for the pavilion bathrooms.

- **Comprehensive Plan Review – Steering Committee:**

Supervisor Teal stated that putting the notice in the newsletter was very successful. We ended up with 7 letters of interest.

Supervisor Teal stated that Tony Murad is not able to attend the ZBA meetings at the moment, so with Tony's permission, Chuck Gerald has agreed to serve as the second ZBA representative on the Zoning Re-Write Committee until Tony gets back.

Supervisor Teal made a motion to approve Chuck Geraldi as the interim replacement ZBA representative on the Zoning Re-Write Committee until Tony Murad returns. Councilmember Baumli seconded that motion.

Roll Call Vote:

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

- **AIM Funding From State:**

Supervisor Teal stated that in 2019 NYS will continue to pay AIM funding, then in 2020 it will come from the County's budget from the sales tax revenues.

**NEW BUSINESS:**

***Liquor License Renewal – Jimmy D's:***

Supervisor Teal stated that we have a renewal from Jimmy D's. Unless the board has opposition, we make a motion that no action is required and their renewal will go through. Supervisor Teal asked if any board members have any concerns about their liquor license being renewed.

Councilmember Smith made a motion that no action is required for the liquor license renewal for Jimmy D's. Supervisor Teal seconded that motion.

Roll Call Vote:

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

***Assessor Reappointment:***

Supervisor Teal stated that we received a letter from County Real Property Services. Our Assessor's term will be up on September 30, 2019. It requires a formal resolution that they then have to send on to NYS Department of Tax and Finance. She stated that Kim Cammer is interested in being reappointed. She asked if any of the board members have any concerns with that. Nobody expressed concerns. Supervisor Teal stated that she will prepare a formal resolution for the Town Board to adopt at the June meeting.

***Pavilion:***

- ***Fee Waiver Policy:***

Town Clerk Houghtling stated that since she has taken office as Town Clerk, she has been told that if an entity is funded by tax payer dollars, we waive the fee for the pavilion rental. She cannot find any official policy and when she looked through old minutes, it

seems it was a hit or miss over the last 10 years where sometimes the Seniors were given the pavilion without coming in front of the board, other times they did come and request the fee to be waived by the board. Her request is to have a clearly defined policy for her office to follow.

It was agreed that the following groups would have the fee waived: NLCSO, LVPA, NL Library, Cemetery of the Evergreens, LV Seniors, NL Youth Baseball Association, LVHS, local churches, and local schools. Town Clerk Houghtling was asked to prepare a policy and resolution adopting it for the Town Board to adopt at the June meeting.

- ***Kitchen Inspection:***

Supervisor Teal stated that in the kitchen inspection there was some peeling paint behind the grill in the pavilion kitchen. Probably the quickest and least expensive solution is to put a piece of metal up behind the grill. Councilmember Newton stated that Country Squire will donate a piece of metal and he will install it.

- ***Softball Group:***

Town Clerk Houghtling stated that there is a group that has rented the pavilion 2 years in a row now. According to Park Maintenance Superintendent Herb Jones, they have left it a huge mess. It has taken a lot of extra time to clean up. She didn't know about it last year, so it was the second time that they did it that she found out about it. Her request is for guidance from the Town Board. Her ideas were to either deny them the ability to rent it anymore or to charge them a deposit moving forward that we would keep if it was left a mess again.

Councilmember Smith stated that he thinks we should call them up and let them know then if it happens again re-address it. Councilmember Newton stated that he would not be opposed to having a security deposit for any large groups. Councilmember Rasmussen stated he would like to get a deposit. Supervisor Teal stated that she is inclined to get a deposit. Councilmember Baumli stated that any group that has left the pavilion a mess in the past, should have to give a deposit to rent it again.

Supervisor Teal made a motion to require a deposit of \$150 for the pavilion rental for any group or individual that does not clean up properly from their rental, to be charged at any subsequent time that group or individual rents the pavilion moving forward. Councilmember Newton seconded that motion.

Roll Call Vote:

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

- ***Security Cameras – Vandalism:***

Supervisor Teal stated that with the amount of vandalism we are getting in the park, she thinks it would be good to get some pricing on putting security cameras up in the park. Councilmember Smith stated that we would need to use wireless cameras. Councilmember Newton stated that he and Councilmember Smith will work on getting a quote.

- ***Senior Class Picnic Table:***

Supervisor Teal stated that historically we were providing the senior class with a picnic table to paint and make their own and then leave for people to use. We didn't fund it this year as they didn't use it last year. Now we have a request to fund it for this year's senior class. Councilmember Newton stated that he will take care of getting a table delivered to Shatford Park from New Britain Log and Lumber.

Supervisor Teal made a motion to fund up to \$250 for a picnic table and paint and supplies for the senior class. Councilmember Smith seconded that motion.

Roll Call Vote:

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

***Employee Evaluations:***

Councilmember Rasmussen stated that we looked at what we could do to help our employees improve their performance and to do better for the residents of the town. We talked our way through an uncomplicated version of how town employees who supervise other town employees could give them some feedback in discreet categories every 6 months so that we encourage the supervisors to document the work being done. So that we don't have supervisors complaining in the corner about work not getting done and so that we don't have supervisors saying an employee is doing a great job, but not saying why, these evaluations would tell them in a formal way what they are doing great at and where they can improve. It also gives the employee the opportunity to say that they are here every day at 10 as that is what was asked of them, and then you can straighten out any misunderstandings of what is expected. The idea is to encourage some more formal, regular communication between supervisors and employees and to help the employees to do a better job for the residents. He stated that the Town Board members all have in front of them a packet with the proposed evaluations and processes. He stated that the one issue that he thinks we are in agreement on was whether or not to tell elected officials whether they were doing a good job or a poor job. They decided that would not be a great idea. The elected officials would still be providing that feedback to others, so they need to understand the process, but we wanted to be sure that this is only for appointed positions at this time.

Court Clerk Cynthia Creech asked if this is also tied to raises and/or promotions. Councilmember Rasmussen stated in a word yes, however the primary focus is to help

somebody do a better job. All of that leads to raises and promotions and everything else. He stated that first the board has to decide whether or not we want to give employees feedback. If they do, when we get to budget time, the evaluations would be considered when deciding who gets what sort of raises, if any.

Town Clerk Houghtling stated that when watching the slide show that Councilmember Rasmussen showed to all employees who would be doing the evaluations, it stuck out to her that in the NYS Government Handbook it says “every supervisor in a municipal government should conduct a continuous evaluation of an employee’s development and whether they utilize their abilities most effectively. Periodic employee performance appraisal promotes the effective operation of an organization.” For town government, it is right in our handbook that this is something that should be happening.

Councilmember Newton stated that he would like to read the evaluation documents and digest it for a little while. Councilmember Smith stated that he agrees with Councilmember Smith, he would like to digest it. He stated that he gets what Town Clerk Houghtling read, but it also is recommendary, it is not actual law. Supervisor Teal stated that the majority of the supervisors that attended the meeting the other day expressed how much this would help them. It would give them guidance and direction. Many of our officials, some of who are elected, some of who are appointed, are not necessarily experienced managers but they are expected to oversee and supervise. This will give them some defined parameters to function under and there seems to be a lot of appreciation for that. This was tabled to June.

***Employee Appointment Recommendation Policy:***

Supervisor Teal stated that when CEO/ZEO Hernandez made her recommendation for appointment, we were given the resumes at that time and she summarized each applicant and then gave us her recommendation. As a board who is making the final decision on making that appointment, and ultimately the employer who is responsible for those actions, she thought that was wonderful and she would like to consider that being a requirement going forward. Councilmember Baumli stated that, to clarify, this would just be for positions that the Town Board can appoint because they cannot appoint for the court, we can only reject who they recommend, we cannot tell them who they can and cannot hire. Supervisor Teal stated that we can make a recommendation back. They can reject our recommendation. She stated that there would be no reason for them to not do the same thing with the letter of recommendation, in her opinion. Councilmember Baumli stated that they should talk later about it. Supervisor Teal stated that we could not do this for Deputy Town Clerk or Deputy Town Supervisor. Councilmember Newton stated that we could not do this for Highway employees or the Town Historian. This was tabled to the June meeting.

***Fiber – Consolidated:***

Supervisor Teal stated that she received a quote for fiber for the town hall. For 100 megabytes down and to modify the phone plan it would be \$580 total per month, with a 3 year contract. We currently pay \$780 per month. The new rates would be \$160 per month for the higher speed internet, \$25 per month for each phone line and we have 13 lines with unlimited long distance and all the services we currently have, and \$50 per month to keep

the court internet as it is now, plus around \$45 per month in taxes and fees for a total of around \$580 per month.

Supervisor Teal made a motion to accept the proposal from Consolidated with rates as presented in the proposal, not to exceed \$600 per month for a 3 year contract with no installation costs. Councilmember Baumli seconded that motion.

Roll Call Vote:

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

***Defensive Driving Course – Town Sponsor:***

Town Clerk Houghtling stated that Pat Burnell has asked the town to sponsor the defensive driving class that the seniors usually sponsor with the town and seniors possibly being co-sponsors, once we have confirmation of whether or not the seniors want to sponsor it this year. This would allow the town to help promote it. This would be at no cost to the town.

Councilmember Smith made a motion to sponsor or co-sponsor with the Lebanon Valley Seniors the defensive driving course. Supervisor Teal seconded that motion.

Roll Call Vote:

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

***Other:***

- **Land Use: Air BnBs, Explosives, RVs:**

Supervisor Teal stated that we have gotten multiple complaints on several items for zoning. We have gotten some emails and other items. She wanted to check in if there are things we want to pursue and request that the Zoning Re-Write Committee prioritize and address them. Councilmember Newton stated that the ZRC is currently working on short term rentals but there aren't a lot of towns with regulations to go by. Supervisor Teal stated that Hillsdale and Chatham are the two towns to look at for that. Ted Salem stated that if he could get some descriptions of what the concerns were regarding explosives and RVs he can bring it to the ZRC to work on. Councilmember Newton stated that he will fill Ted Salem and the ZRC in on the concerns.

- **Historian – Historic Donations Policy:**

Supervisor Teal stated that we received a letter expressing some very specific concerns about what we had or had not received from our historian. The person is comfortable

moving forward working with our attorney if the board wanted to go forward with a letter from the attorney to the prior historian. Councilmember Smith recommended that the Town Attorney send a letter to the prior historian. Councilmember Baumli stated that he thinks that would be a waste of time and money. Councilmember Rasmussen stated that he thinks we should have the Town Attorney send a letter.

Supervisor Teal stated that we should move forward with a historic donations policy. She will put something like that together and bring to the board for June or July.

Councilmember Smith made a motion to have the Town Attorney draft a letter to the prior historian. Councilmember Rasmussen seconded that motion.

Roll Call Vote:

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

**COMMITTEE/LIAISON REPORTS:**

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

No report.

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

No report.

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

Bruce Shenker stated that on a county level, they are creating a recycling guide. The county also completed a NRI which can be viewed at the NL Library, the Town Clerk's Office and on the county website. There will be trainings on how to use the NRI on May 15<sup>th</sup> in Copake and on June 5<sup>th</sup> at Columbia Greene. They are also looking at a proposed ban on expanded poly-styrene items that cannot be recycled. DEC gave two pieces of land, one of them is in New Lebanon. Hand Hollow State Forest was expanded another 500 acres in the past 2 week and it is contiguous with the other piece. The first 3 Saturdays in June will be a rail trail clean up on the new property the rail trail bought on Lover's Lane and the county is providing dumpsters.

David Farren stated that they went to print for more copies of the NRCP and the copy quality has improved and the cost was much less. He stated that the CAC is working on some projects and they have contacted Michelle Bienes and she is very interested in having the CAC do some programming for the summer camp. They would like to update the scenic resources inventory and get it online. They are sort of captive at the moment until the town moves to their google plan. They are going to be recommending critical environmental areas to the ward and they are making those decisions next month.

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

No report.

***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):***

Judy Zimmer stated that Councilmember Baumli has stepped up with the senior representatives in town. He is responsible for putting the senior information in the newsletter and it was very thorough. He is also attending the county office for the aging meetings. He is becoming very active and she would like to applaud his hard work.

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

No report.

**ANNOUNCEMENTS:**

***MAY:***

***Saturday, May 18<sup>th</sup> ~ Town Clean-up Day @ Town Hall from 8:00 am to 2:00 pm***

***Monday, May 27<sup>th</sup> ~ Memorial Day Parade ~ starts at Shatford Park @ 9:00 am***

***JUNE:***

***Tuesday, June 11<sup>th</sup> ~ Town Board Meeting @ Town Hall @ 7:00 pm***

**BUDGET AMENDMENT:**

**Budget Amendment #4 of 2019:**

**General Fund:**

\$1,500	from A-1080 (Other Payment in Lieu of Taxes)
\$5,750	from Unallocated Fund Balance
\$2,275	from A-8020.1 (Planning: Personal Services: Clerk)
\$1,500	to A-2700.P (Donations: Columbia Land Conservancy)
\$5,750	to A-1620.2 (Buildings: Equipment)
\$2,275	to A-8664.11 (Code/Zoning Enf: Personal Services: Clerk)

**Highway Fund:**

\$25,101.13 from DA-3501 (Consolidated Highway)

\$365.60 to DA-5112.2 (CHIPS)  
\$24,735.53 to DA-5112.21 (PAVENY)

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 No. 132 in the amount of \$392.03;  
As listed on Abstract No. 4A, dated May 14, 2019; and**

**General Nos. 133 through 171, in the amount of \$43,028.32;  
Highway Nos. 46 through 59, in the amount of \$54,285.29;  
SF-1 LVPA No. 2, in the amount of \$32,375.00; and  
Escrow No. E-7, in the amount of \$100.00;  
As listed on Abstract No. 5 dated May 14, 2019.**

A motion was made by Councilmember Newton and seconded by Councilmember Baumli 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

Town Clerk Houghtling stated that she made a mistake. When the Town Board authorized the town credit card it was with the understanding that her office would have Supervisor Teal cut an interim check if the statement came after the board meeting for that month to avoid the town having to pay interest. She did not communicate that clearly with her deputy who opens the mail. With this month's bills we realized that there were two months of bills that had come in late. There is late fees and finance charges in the amount of \$91.68. She is happy to pay those out of her pocket, if that is allowed, as it was her mistake that incurred these fees. Once we pay them in full, the bank will give us a credit back for one of the late fees.

Councilmember Smith made a motion to do an interim voucher in the amount of \$91.68 to pay the late fees and interest charges incurred on the town credit card. Councilmember Newton seconded that motion.

Roll Call Vote:

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

Councilmember Smith thanked Highway Superintendent and his guys for cleaning up a tree in the park the other day.

**PRIVILEGE OF THE FLOOR:**

**Judy Zimmer** stated that in the policy for waiving the fee at the pavilion, the board should consider stating local churches and/or religious organizations instead of just churches. The town board agreed and asked the town clerk to change the wording in the policy she is preparing for the June meeting.

**Jeff Winestock** stated that he would like the town to write a letter to our Governor to thank him for not giving us funding on extreme weather this year. There is plenty of money, with billions of dollars going other places. He has worked here a long time and this was probably one of the worst winters for the roads in New England and we didn't get a dime. We cannot do anything without our roads and bridges yet we are not giving proper funding to them.

**David Farren** stated that he was in the Assessor's office on Monday during her open hours. She has a very nice document, available to all, with current sales going back 3 years. He wanted people to be aware of that.

**ADJOURNMENT:**

A motion was made by Supervisor Teal and seconded by Councilmember Newton to adjourn the meeting at 8:55 pm.

Respectfully submitted,

Tistrya Houghtling  
New Lebanon Town Clerk