

**MINUTES OF THE REGULAR MONTHLY MEETING OF  
THE TOWN BOARD OF THE TOWN OF NEW LEBANON  
HELD ON JULY 9, 2019**

**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:** Eugenia Browning, LBPA  
Bud Godfroy, LVPA  
Ed Godfroy, LVPA  
Phyllis Hulbert, LVPA  
Tegan Cook, Planning Board & Recreation Comm Member  
Jeff Winestock, Highway Superintendent  
Bruce Shenker, NL Rep to CC Enviro Mgmt Council  
Robert Gilson, CAC Member  
Cynthia Creech, CAC Member & ZRC Member  
David Farren, CAC Member  
Jeannine Tonetti, Ethics Board Chair  
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 **June 11, 2019 Regular Monthly Meeting** and the **June 25, 2019 Special Meeting** were reviewed. A motion was made by Supervisor Teal, 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 June 30, 2019. A motion was made by Councilmember Smith, seconded by Councilmember Baumli and approved unanimously to accept the Supervisor's report as typed.

Supervisor Teal stated that the NYS Legislature has reinstated the extreme winter recovery funding. The Town of New Lebanon will receive \$20,854.45 for 2019.

**BIDS:**

***Sand, Stone & Gravel:***

Town Clerk Houghtling read the following bid notice aloud:

**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 7/31/2020:

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 3:00 pm on Monday, July 8, 2019. Bids will be opened at the Office of the Town Clerk at 3:00 pm on Monday, July 8, 2019 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 9, 2019. 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 two bids. From Joy Sherman we received a bid for bank run gravel picked up for \$7.00 per yard. From Colarusso and Son we received a bid for item #3, 1" minus at \$16.50 per ton delivered and \$8.50 per ton picked up; washed #1-A at \$20.25 per ton delivered and \$12.25 per ton picked up; washed #1 at \$19.50 per ton delivered and \$11.50 per ton picked up; washed mixed #1 and #1-A at \$20.00 per ton delivered and \$12.00 per ton picket up; gabion at \$23.00 per ton delivered and \$11.50 per ton picked

up; and rip-rap at \$25.00 per ton delivered and \$13.50 per ton picked up.

Supervisor Teal made a motion to accept all 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

***Fuel:***

Town Clerk Houghtling read the following bid notice aloud:

**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 7/31/2020:

**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 1, 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 7/31/2020*) may be submitted for each of the fuel items.

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 3:00 pm on Monday, July 8, 2019. Electronic and faxed bids will not be accepted.

Bids will be opened at the Office of the Town Clerk on Monday, July 8, 2019 at 3:00 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 9, 2019. The Town Board reserves the right to reject or accept all bids.

Town Clerk Houghtling stated that we received two bids. From Main Care Energy we received a bid for low sulfur heating fuel at a \$0.1650 fixed add, low sulfur diesel fuel at a \$0.1875 fixed add, and kerosene at a \$0.3100 fixed add. From John Ray & Sons we received a bid for low sulfur heating fuel at a \$0.15 fixed add, low sulfur diesel fuel at a \$0.15 fixed add, and kerosene at a \$0.30 fixed add.

Councilmember Smith made a motion to accept the bid from John Ray & Sons. 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:***

Town Clerk Houghtling read the following bid notice aloud:

**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 7/31/2020. **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 3:00 pm on Monday, July 8, 2019. Bids will be opened at the Office of the Town Clerk at 3:00 pm on Monday, July 8, 2019 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 9, 2019. The Town Board reserves the right to reject or accept all bids.

Town Clerk Houghtling stated that we received two bids. From Peckham Materials Corp we received a bid at 32% calcium and 68% water in the winter and 35% calcium and 65% water in the summer both for \$0.974. From Gorman Bros, Inc we received a bid at 32% calcium and 68% water in the winter and 35% calcium and 65% water in the summer both for \$0.950.

Supervisor Teal asked Highway Superintendent Winestock which company knows our roads and saves us money by not having to take any of our guys off the road. Highway Superintendent Winestock stated that Peckham Materials Corp knows our roads. Supervisor Teal stated that the difference between the two, although there is a \$0.024 difference, if we go with the lower price as the priority, we have the ability to use added value contract and not removing one of our staff from the roads to participate with the vendor actually makes the Peckham bid save us money.

Supervisor Teal made a motion to accept both bids 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

***Contracted Equipment:***

Town Clerk Houghtling read the following bid notice aloud:

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 2019-2020 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 3:00 p.m. on Monday, July 8, 2019. All bids must include a *Non-Collusive Bidding Certificate*. The bids will be opened at the Office of the Town Clerk on Monday, July 8, 2019 at 3:00 p.m. Bids will be considered at the regular monthly Town Board meeting to be held on Tuesday, July 9, 2019 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 two bids. A bid was received from D&J Excavating for a 1986 autocar 400hp tri-axle at \$85 per hour with operator; a 2001 D3 cat dozer at \$95 per hour with operator; a 1998 311B cat excavator at \$120 per hour with operator; a 2013 KX 121-3 kubota excavator at \$95 per hour with operator; a 2014 289D cat mini track loader at \$95 per hour with operator; and a 2018 80 yanmar excavator at \$110 per hour with operator. A bid was received from J. Bergeron Trucking for a 1987 ford LTL 9000, triaxle dump truck, 400 catapillar, NYS overweight permitted, and \$1,000,000 liability coverage for \$85 per hour trucking rate.

Supervisor Teal made a motion to accept both 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

**SYP REFUND REQUEST:**

Supervisor Teal stated that we have a request for a refund for the summer youth program. She stated that while it has been the board's policy to have all of the fees non-refundable, that was always part of the policy that was adopted through 2012. When the policy was amended in 2018, the non-refundable language was not included so the non-refundable language was also not included in the registration paperwork for 2018 and 2019. Councilmember Baumli stated that this individual did not even start the program and she had an opportunity to participate in a national softball championship. He thinks there are exceptions to every rule and he thinks this is one of those exceptions, so he would be fully supportive of giving the refund in this case.

Councilmember Smith made a motion to refund the fees for the summer youth program to the family that requested the refund. Councilmember Baumli seconded that motion.

Roll Call Vote:

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

**OLD BUSINESS:**

***Enactment of LL Amending Code of Ethics:***

Supervisor Teal made a motion to enact Local Law #5 of 2019 entitled A Local Law to Amend Chapter 16 of the Town Code of the Town of New Lebanon. Councilmember Newton seconded that motion.

Roll Call Vote:

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

***Generator - Piggybacking:***

Supervisor Teal stated that in 2012 NYS adopted legislation that allowed us to go beyond just piggybacking with the counties and the State. The difficulty is that while that legislation sets three very easy to discern criteria, however when that law was passed, the Office of the State Comptroller put out a bulletin to help

municipalities make a decision on doing this. The bulletin states that the RFP must have been let by a governmental entity that is subject to the same rules and regulations as NYS which would require us to hire an attorney to review. The cost of legal fees to do this would be quite costly so any potential cost savings would be gone.

Councilmember Smith stated that now we are cancelling this idea so now he is starting over. At least we looked into it. If it had worked out it would have been great savings for different parts of the town. Supervisor Teal stated that now we are going to look back at NYS government services and see what they have for generator contracts.

***Public Service Commission:***

Supervisor Teal stated that the public service commission has put out their proposed settlement agreement with Spectrum. Spectrum got their approval from the NYS public service commission as their request to merge Charter and Time Warner. At one point NYS said they were not complying with the requirements and they gave them 90 days to designate someone else to provide the services with their assets. They have been working on a settlement. Connect Columbia, a grassroots group in Columbia County took the proposed settlement agreement and did a full review of it. Supervisor Teal stated that she is asking the board tonight for authorization to submit a letter of support to the public service commission to support the comments and requests filed by Connect Columbia.

Supervisor Teal stated that, in summary, Connect Columbia is asking the public service commission to require Charter to extend its broadband build out only to low density, upstate areas, including line extension areas beyond Charter's primary service area; deny Charter any credits for areas served by NYS broadband grants to other providers, consistent with the commission's previous orders; clarify that Charter must complete its statewide upgrade to 30 megabytes per second by the end of 2019 as required by the original merger approval; clarify whether any Charter build out plans involve wireless or satellite technology and, if so, require department clearance on its effectiveness; deny Charter any confidentiality for its build out plans and completion reports so that affected upstate counties and municipalities may assess build out efforts in their jurisdictions; and confirm that Charter must cooperate with all further audit efforts by the department and the commission to ensure compliance with the settlement agreement.

Councilmember Smith made a motion authorizing Supervisor Teal to execute a letter of support for the Connect Columbia case #15-M0388 settlement agreement. Councilmember Baumli seconded that motion.

Roll Call Vote:

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

**NEW BUSINESS:**

***Cemetery of the Evergreens Request:***

Supervisor Teal stated that we have a request for the playbill printing for the Cemetery of the Evergreens. The Town approved it last year for them to print their playbills on the Town account and not pay the Town back. Last year the total was \$55.60. This year it will be slightly larger but probably not more than \$75. This is an entity that is funded through our budget and if we are charging them it's coming out of one pocket or the other.

Supervisor Teal made a motion to approve the printing of the playbills for the Cemetery of the Evergreens with the Town paying the printing cost, not to exceed \$100. Councilmember Newton seconded that motion.

Roll Call Vote:

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

***Lebanon Health Assembly Request:***

Supervisor Teal stated that we have a request from Frank Coughlin. Town Clerk Houghtling stated that there is a health association that is looking to fill a need here in New Lebanon, which is a lack of access to health care. They are looking at having a community forum to hear from residents of New Lebanon regarding what is lacking for health care in New Lebanon and what would benefit residents most to have access to. They want to do a mailing to every resident about the meeting and would like to do it on the Town's bulk mailing permit, which would be at no cost to the Town.

Frank Coughlin from the Lebanon Health Assembly. They are trying to open up a community health resource center, a central location for health resources in New Lebanon. They want to open it up to the Town and community to see about specific needs and to start getting community support. They have been around for about a year and a half. Over the past 4 or 5 months they have been having monthly assemblies at the Library. They have been struggling with finding ways to connect with more members of the community so they were hoping to have a fairly large community meeting to open it up to the community and hear what needs there are and what organizing possibilities there are. They are hoping to get the word out about the meeting to as many people as possible.

Supervisor Teal stated that even though there is no cost to the Town, it is still using a Town asset so if the board wants to allow this she would first have to get legal input because she doesn't believe that we can do that for a private entity. The Town Board asked Supervisor Teal to check with the Town Attorney to see if it is allowed.

***Planning Board Emails:***

Supervisor Teal stated that we had a request from the Planning Board for each member to have a town email address. We are responsible for providing emails for all of our town officials. She stated that the new program that we signed up for is \$144 per year per email address. Councilmember Rasmussen stated that you are paying for support as well, not just the email address. Supervisor Teal asked Town Clerk Houghtling to clarify what it is that we are paying for. Councilmember Rasmussen stated that a gmail address is free but we are getting the whole g-suite package. Supervisor Teal stated that she is struggling with this conversion because it doesn't work for her and some of the other staff members and we are getting to the point now where it is costing us \$144 per email and she is not even sure what we are getting for that.

Councilmember Rasmussen suggested tabling it until the next meeting and getting answers to what we are paying for and if we want to continue with g-suite. Supervisor Teal stated that she thinks we should approve the Planning Board emails now. Town Clerk Houghtling stated that if you pay \$144 for each new email address, that is for a year. If you switch back to the old email where you don't pay per email address, you have just wasted a lot of money.

Councilmember Rasmussen asked if we can sign the board members up for a free gmail account. Supervisor Teal stated her concern is they won't get support. Councilmember Rasmussen stated that they don't get support currently with their personal email. Town Clerk Houghtling will look into free gmail accounts for the boards. This was tabled to next month.

***Resolution – CC Natural Resources Inventory:***

**TOWN OF NEW LEBANON**

**RESOLUTION # 25, 2019**

**ACCEPTANCE OF CC 2018 NATURAL RESOURCES INVENTORY**

**JULY 9, 2019**

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 9<sup>th</sup> day of July 2019, the following Resolution was proposed and seconded:

Resolution by Councilmember Smith Sr.

Seconded by Supervisor Teal

***Acceptance and Approval of the Columbia County 2018 Natural Resources Inventory***

WHEREAS, the New York State Environmental Conservation Law Article 47 declares that the management and conservation of our environment is essential to the health and wellbeing of

the people of the state; and local, county or regional understanding of the importance of all aspects of the environment is necessary for the most balanced use of natural resources; and, local participation in the planning of activities that influence the ecological balance of the locality and therefore the state is important; and

WHEREAS, pursuant to New York State Environmental Conservation Law Article 47, the Columbia County Environmental Management Council (the Council) was created by the Columbia County Board of Supervisors in 1974 consisting of one member representative for each of the 18 municipalities including New Lebanon; and

WHEREAS, pursuant to said law, the Council shall develop, maintain, and amend from time to time an inventory of natural resources within the county including wetlands and open spaces and factors relating to such things as geology, soils, slope, water resources, vegetation, wildlife habitat, unique natural areas, and scenic, historic and archaeological sites; and

WHEREAS, the Natural Resources Inventory is designed to be used by county and municipal agencies and others concerned with land planning, management, policy-making and resource use and conservation; and

WHEREAS, the completed 2018 Natural Resources Inventory, an extensive document with supporting maps and tables has been adopted by resolution of the County Board of Supervisors; and

WHEREAS, the 2018 Natural Resources Inventory is well aligned with the 2017 New Lebanon Natural Resources Conservation Plan;

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of New Lebanon hereby accepts and approves, for reference, informational and educational purposes, the Columbia County 2018 Natural Resources Inventory as an inventory of data collection identifying natural resources and important community resources within the county and specifically within New Lebanon; and

BE IT FURTHER RESOLVED, that the acceptance and approve of the Columbia County 2018 Natural Resources Inventory and any recommendations regarding municipal actions which may be taken, as provided therein, shall in no way be deemed binding upon said Boards or Agencies with regard to present or future actions.

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

Roll Call Vote:

Councilmember Norman Rasmussen	Aye
Councilmember Kevin Smith	Aye
Supervisor Colleen Teal	Aye
Councilmember Jesse Newton	Aye
Councilmember Mark 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.

***Resolution – LVPA – Mutual Aid Participation:***

**TOWN OF NEW LEBANON**

**RESOLUTION # 26, 2019**

**LVPA – MUTUAL AID**

**JULY 9, 2019**

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 9<sup>th</sup> day of July 2019, the following Resolution was proposed and seconded:

Resolution by Supervisor Teal

Seconded by Councilmember Smith Sr.

***Participation by the Lebanon Valley Protective Association (LVPA) in the Columbia County Fire Mutual Aid Plan***

BE IT RESOLVED, that the Town Board of the Town of New Lebanon as the municipality having jurisdiction over the **Lebanon Valley Protection Association (LVPA)** hereby encourages the participation by the Lebanon Valley Protective Association in the **Columbia County Fire Mutual Aid Plan** as now in force and as amended from time to time and certifies to the Columbia County Board of Supervisors through its Fire Coordinator that no restrictions exist against “outside service” by such fire company within the meaning of Section 209 of the General Municipal Law which would affect the power of such fire company to participate in such plan; and

BE IT FURTHER RESOLVED, that this resolution is effective this date and supersedes all previous resolutions; and

BE IT FURTHER RESOLVED, that a copy of this resolution be filed with the Columbia County Fire Coordinator by the Lebanon Valley Protective Association.

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

Roll Call Vote:

Councilmember Norman Rasmussen	Aye
Councilmember Kevin Smith	Aye
Supervisor Colleen Teal	Aye
Councilmember Jesse Newton	Aye
Councilmember Mark 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.

***Recreation Commission Resignation:***

Supervisor Teal stated that we received a resignation from Scott Powers from the Recreation Commission, the person we appointed last, as he has found that due to his personal and job obligations, he does not have time to serve on the Recreation Commission.

Supervisor Teal made a motion to accept Scott Power's resignation and to authorize the Town Clerk to advertise for the two current vacancies as well as advertise in the town newsletter with letters of interest due by September 6, 2019 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

***Route 22:***

Supervisor Teal stated that she got an email from NYS DOT. Colarusso was supposed to begin paving Route 22 this morning and this work is expected to take 4 days. She stated that this is huge but it is one small step. We eased the pressure a little bit once we learned this was coming, but the goal is still to get the entire section of Route 22 paved from Peaceful Valley Road all the way to the Route 20 intersection.

**COMMITTEE/LIAISON REPORTS:**

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

Councilmember Rasmussen stated that Assessor Kim Cammer has sent in the application for State aid for doing the reassessment and hopefully we will see some money next Spring. She is conducting an in house Ag audit. She is reviewing all the paperwork and finding some things missing. Some residents will be receiving a letter from her asking to update their papers. She is trying to make sure that we are up to date. She has completed an overhaul of the assessors page on the website. Almost everything a taxpayer needs or has questions on should be there.

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

Supervisor Teal stated that we got a report from CEO Hernandez that was quite extensive. Supervisor Teal wants to make the board aware that this is indicative of fifty percent of what they do. She stated that bringing in Pete Latanzia is going to be huge for that office as they get caught up.

Councilmember Baumli stated that we are still playing catch up from a prior enforcement officer. Our current enforcement officers are finding things that were never done and some of them are quite large projects that they are spending days, if not weeks, trying to resolve issues. He thinks that once we get caught up we will not need Pete Latanzia anymore and he is being brought in under contract, not as an employee.

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

Bruce Shenker thanked the Town Board for supporting the Columbia County Natural Resource Inventory. He stated that there is a running race on the rail trail on August

18<sup>th</sup> if anybody likes to run. It has been very successful in the past. It is part of the Stephentown celebration and part of the course is in New Lebanon.

David Farren stated that the CAC had their monthly meeting last night and they passed a resolution asking the Town Board to do what it did tonight so they applaud it.

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

Councilmember Smith stated that he and Councilmember Baumli met with the fire company last night. The contract is pretty much looking the same as last year. There will be a couple of questions once they get down to the nitty gritty on the money that is left over from this year's operating budget, if there is any, and where it should go. He stated that he does believe everything has been supplied except for the asset management replacement for the trucks. The LVPA is thinking about downsizing and getting rid of 3 trucks and getting 1 or 2 smaller trucks. It will be about a month before they have that. Councilmember Smith stated that having everything else supplied to us that we need for the contract and keeping in mind that they are thinking about downsizing, he doesn't want to hold them to the gun for the replacement plan because right now they are not sure what they are going to do with that. He would like to give the LVPA to the next meeting to do an update for the replacement plan.

Ed Godfroy stated that they will keep Councilmember Smith and Councilmember Baumli involved. They will speak to Bill Black and see how fast they can get the values done and look at the downsizing aspect of it. Councilmember Smith stated that they are also looking for what was paid for each truck, the expiration of each truck, etc. Ed Godfroy stated that there is no expiration. Supervisor Teal stated that there is an industry standard. For each truck the industry anticipates that it will last a certain number of years. Ed Godfroy stated that you can keep the vehicle past that year but you have to make that vehicle meet the national standards in order to keep it in service which is when it gets expensive to take a 20 year old vehicle and make it meet current standards. Supervisor Teal stated that in that case the vehicle would have a 20 year life which is all the LVPA has to list on their asset plan. Ed Godfroy stated that Bill Black is already working on it with another LVPA member and he will speak with him and see how far along he is on it and get it to the Town as soon as they can.

Councilmember Baumli stated that the LVPA is comfortable with what they have this year as far as funding goes to operate their facilities and he would have no problem with that but it would be a board decision. As far as the contingency goes, they have not touched the contingency that the Town set up for them last year and it is up to the board to decide if we want to add to the contingency or not. He stated that the LVPA does have \$100,000 in truck reserve but some of these trucks are \$400,000 trucks so we need to discuss possibly adding money in to an additional capital reserve for that. Right now as far as operating funds go, they are comfortable with what their current budget is and looking at their numbers and where they are at so far for this year he doesn't see that being out of place for next year also. What they have spent 6 months year to date and what they have left he thinks we are in pretty good line with that.

Supervisor Teal stated that her concern is recognizing that it has been 3 or 4 years that we have not funded anything other than operating. Long term, that is not going to work and that is not going to put the LVPA in a great position. That is why she is anxious to start getting where we have that asset management plan, we are looking at the buildings and what needs to be done and we are starting to fund some of that capital. The LVPA needs that but the Town needs to know what that number is to be able to justify it. She stated that it makes her nervous the longer we go without providing some of that capital funding for the LVPA because that number is going to continue to grow. It is an ongoing need.

Councilmember Smith stated that the only thing that is up in the air that we have to decide is what is left from this year's operating budget going into next year that the LVPA won't know until February, where that money would be put if there is any left. Supervisor Teal stated that we cannot fund capital just as excess of their operating, it is not allowed by law. We can only fund capital by a specific amount cited in the contract. Councilmember Smith stated that the LVPA wants to take any money remaining and put it into trucks. Ed Godfroy stated that the Town cannot take the LVPA budget money and put it back in the Town coffers. Supervisor Teal stated that is not true. Ed Godfroy stated that we have a signed a contract that the Town is going to pay the LVPA \$129,500 to provide fire protection. When we are done with the contract year, that is where that \$129,500 stops. The Town can't govern the LVPA after December 31<sup>st</sup>. Supervisor Teal stated that OSC says completely opposite. Ed Godfroy stated that even their Attorney cannot find that. Supervisor Teal stated that the Town is being told, directly from OSC, that is not allowed. Ed Godfroy asked Supervisor Teal to provide that to the LVPA in writing. Supervisor Teal stated that she will try to get it in writing from OSC.

Councilmember Smith stated that we had talked about putting it in contingency. Whether it goes into contingency or the LVPA is going to put it into trucks, he personally does not see a problem with that. They are committing it into something, they are allocating it to just the truck fund so the money is not lost and it cannot be touched for anything but the trucks. Supervisor Teal stated that we are allowed to amend our contract. Maybe we can amend our contract after we know how much money is left over from operating to allow x number of dollars to go into capital reserve. Ed Godfroy stated the Town should just let the LVPA do it how they did in the past when they had the excess money at the end of the contract year, they put that money into capital reserve. Supervisor Teal stated that she has been specifically told by NYS that the Town is not allowed to do that. Ed Godfroy stated that the LVPA needs to see that in writing. Supervisor Teal stated that she will try but a lot of the State entities do not like to put things in writing. Ed Godfroy stated that if they won't put it in writing than he feels that we are not obligated to abide by it. Councilmember Baumli stated he thinks it is just a matter of doing the accounting. You take the money, give it back to the Town and they put it in contingency in 2019. What's left the Town sets up a capital reserve account for the LVPA or gives it back to the LVPA to put in their capital reserve account for trucks.

Councilmember Baumli stated that there is a sign outside of the firehouse stating that they

need volunteers. He knows this community was extremely upset when we lost our ambulance service and there is a possibility at some point that we could lose our fire service if we can't get members to join the fire company. He thinks it is important that we get it out in the newsletter and in the minutes to tell people that they need to seriously consider joining the fire company, especially some of the younger people in town. Take some hours of training and so on. Ed Godfroy could tell you more about it but there are different levels of training and what not, but they need bodies there. If not, we are looking at possibly, not in the near future but in the next year or two, having some serious problems. And this is not just a Town of New Lebanon issue, this is a statewide issue but we need to get to our residents and say don't jump up and down when we lose our fire company. Supervisor Teal stated that it would also cost us a lot more if we lose our volunteer company and have to pay for fire services.

Councilmember Rasmussen asked how many active firefighters the LVPA has now. He asked how many have shown up for calls in the last 6 months of the year. Ed Godfroy stated that he doesn't know off hand. Councilmember Rasmussen would like to know how many members the LVPA has now and how many can they afford to lose before they can no longer provide fire service to the Town of New Lebanon. Ed Godfroy stated that if they lost 5 guys tomorrow morning they may not be able to provide fire protection during the day time hours in the Town of New Lebanon. He stated that if you have to contract for one fire fighter to cover the Town of New Lebanon, the town is giving the LVPA \$129,500, that is not even a drop in the bucket for one fire fighter that the Town Board must provide. He stated that the Town Board of the Town of New Lebanon must provide fire protection for the Town in the same mode and apparatus as we have now, which means the Town has to buy all the fire trucks and supply all the firemen. The basic number they had a few years ago was \$150,000 per person, that is just the basic. He stated that right now the mutual aid contract is with the LVPA for Stephentown, Canaan and Columbia County and those companies are not coming here to provide fire protection for the Town of New Lebanon if the LVPA is not here anymore.

Councilmember Rasmussen asked how many more volunteers the LVPA needs to feel like they are good and have it covered. Ed Godfroy stated 10. Councilmember Rasmussen stated that whatever number they are at, they can only afford to lose 5 and they are trying to gain 10 more. Ed Godfroy stated yes. Cynthia Creech asked if the LVPA will know if they have enough people to continue before the next contract. Ed Godfroy stated that they will be in business for 2020.

Ed Godfroy stated that everything the LVPA currently has is theirs. If they go out of business, it is controlled by the Attorney General of NYS to tell the LVPA how they dissolve their company. The LVPA and the Town has no say in it. Pat Burnell stated that the LVPA also accepts women firefighters. She stated that years ago she and Phyllis Hulbert were very active as firefighters. Ed Godfroy stated that the LVPA has had women firefighters all along. Pat Burnell stated that women should not be afraid to be firefighters too.

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

No report.

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

Supervisor Teal stated that the Town Board members all have a copy of the letter that is going out from the Town Attorney.

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

No report.

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

Supervisor Teal asked Councilmember Smith where we are at with the flag pole. Councilmember Smith stated that he will try to do it this week.

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

Councilmember Baumli stated that last month he had the opportunity to join David Russel and Judy Zimmer, our representatives to the Columbia County Office for the Aging, at the monthly meeting of the Office of the Aging. He commended Judy and David for their dedication and what they do for New Lebanon. He stated that each town in the County sends a representative to the Office of the Aging monthly meetings so there were a lot of people there. He thinks they are quite impressed by what New Lebanon does to try to reach out to our seniors such as our quarterly newsletter. Our last newsletter had 4 or 5 pages dedicated to the seniors. A lot of the towns in the County don't even send newsletters out and if they do, they only do it electronically. We feel that by sending them in the mail, we reach a lot more seniors as a lot of seniors don't have computers. We also do a lot more work with the vouchers for the farmers markets than a lot of other towns. He stated that it is a great job that they are doing and they are volunteering their time to go all the way to Hudson once a month. He was quite impressed by attending the meeting and by what our representatives do for us in New Lebanon.

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

Supervisor Teal stated that OBG that is a part of Ramboll is a subcontractor to Parsons Engineering of NY Inc. who is under contract with NYS DEC. There was an inspection done on the old landfill last August and now they have come back and asked for permission to access the property to put in wells and begin well testing again. Mrs. Sherman has provided that permission.

**ANNOUNCEMENTS:**

***JULY:***

***Sunday, July 21<sup>st</sup> ~ Music in the Park @ 1:00 pm @ Shatford Park***

***AUGUST:***

***Tuesday, August 13<sup>th</sup> ~ Town Board Meeting @ Town Hall @ 7:00 pm***

***Sunday, August 18<sup>th</sup> ~ Music in the Park & Community Picnic @ 1:00 pm @ Shatford Park***

**SEPTEMBER:**

*Sunday, September 15<sup>th</sup> ~ Music in the Park @ 1:00 pm @ Shatford Park*

**AUDIT OF BILLS:**

**General Nos. 213 through 252, in the amount of \$25,933.26; and  
Highway Nos. 72 through 80, in the amount of \$44,141.25;  
As listed on Abstract No. 7, dated July 9, 2019.**

A motion was made by Councilmember Smith 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:**

**Tegan Cook** asked if the Town has ever done a town hall event. She stated that just this evening we have the fire department that has stuff going on that people within the Town may not realize is going on. They are not showing up here for the Town Board meeting. We have Route 22 and she has heard so many people complaining about that and not realizing that we are dealing with NYS and it is not the Town that is not putting the money into this, so everyone is upset with the Town. She stated that there are all kinds of complaints with code enforcement stuff, and people aren't realizing that so many things for so long have been left. Could we do a town hall where you tell people this is their chance to air their grievances and get answers to their questions. She stated that obviously the town board meeting is the place for that but not many people attend these meetings. She asked if there is a way to do something like that. Councilmember Baumli stated that they send the newsletter out with all the information and if people don't read it, that is on them. He stated that we have had state representatives here before and nobody shows up. He stated that all the information is out there via the newsletter, the website and the Town Clerk's office and unfortunately people do like to complain but they don't want to do anything about it.

**ADJOURNMENT:**

A motion was made by Supervisor Teal and seconded by Councilmember Newton to adjourn the meeting at 8:32 pm.

Respectfully submitted,

Tistrya Houghtling  
New Lebanon Town Clerk