

**MINUTES OF THE REGULAR MONTHLY MEETING OF  
THE TOWN BOARD OF THE TOWN OF NEW LEBANON  
HELD ON OCTOBER 8, 2019**

**Present:** Margaret Robertson, Interim Supervisor  
Kevin Smith Sr., Councilmember  
Jesse Newton, Councilmember  
Norman Rasmussen, Councilmember  
Jon Tingley, Town Attorney

**Absent:** Mark Baumli, Councilmember

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

**Others Present:** Ed Godfroy, LVPA  
Greg Gilliland, LVPA  
Jeff Winestock, Highway Superintendent  
Cynthia Creech, CAC Member & ZRC Member  
Peg Munves, CAC Member  
Robert Smith, Ethics Board & Planning Board Member  
Ted Salem, ZBA Member & ZRC Chair  
Steve Powers, CAC Member  
Cissy Hernandez, CEO/ZEO  
Michael Blatt, Planning Board Chair  
Robert Gilson, CAC Member  
Rebecca Brodeur, *Presenter for the US Census Bureau*  
Several members of the public

**CALL TO ORDER:**

The meeting was called to order at 7:01 p.m. by Interim Supervisor Robertson. A moment of silence was followed by the flag salute. Interim Supervisor Robertson pointed out the emergency exits.

**MINUTES:**

The minutes of the **September 10, 2019 Regular Monthly 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:***

Interim Supervisor Robertson provided the public and TB members with a copy of the Supervisor's Report as of September 30, 2019. She read the following aloud:

Deposits:

Judge Byrne = \$11,677.00

Judge Nevers = \$4,348.00  
Town Clerk = \$1,786.47  
Summer Youth Reimbursements = \$435.00  
Tax Collector = \$1.36  
Interest – Multifund = \$609.49  
Interest – Operating = \$12.01  
Interest – Payroll = \$5.51

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Total Deposits = \$18,874.84

Disbursements:  
Abstracts = (\$147,820.70)  
Payrolls = (\$44,272.00)

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Total Disbursements = (\$192,092.70)

Accounts at Bank of Greene County:  
Operating Account = \$9,159.64  
Multifund Account = \$1,800,688.27  
Escrow Account = \$10,353.81  
Trust & Agency Payroll Account = \$42,423.97  
Petty Cash = \$950.00

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Total Cash Balance = \$1,863,575.69

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

**CERTIFICATE OF APPRECIATION:**

Interim Supervisor Robertson stated that we were going to present a certificate of appreciation to Herb Jones for his service to the town. He was part of our park maintenance crew and did a phenomenal job. He has now resigned to take a better paying job that is a lot more fun and involves travel so he is probably on the road right now which is probably why he didn't answer so she will mail him the certificate of appreciation.

**US CENSUS:**

Rebecca Brodeur from the US Census did a presentation for the Town Board and public. The following points were made:

- Jobs are available with the lowest starting wage at \$17 per hour plus \$0.58 per mile
- Paid training and materials are provided
- It is very important for all of New Lebanon residents to participate in the 2020 Census so we get an accurate count – this is how we receive federal funding for things like our roads and schools
- In mid-March they will send out a mailer encouraging people to fill out their census survey online – next they will send out a paper version for those who didn't complete it online – next they will knock on your door if you do not fill it out online or in paper version

- All information is completely confidential and secure

**EXECUTIVE SESSION:**

Councilmember Smith made a motion to enter an executive session at 7:32 pm to discuss the employment history of a particular person and to discuss proposed litigation. Councilmember Newton seconded that motion.

Roll Call Vote:

|                                |        |
|--------------------------------|--------|
| Councilmember Rasmussen -      | Aye    |
| Councilmember Smith -          | Aye    |
| Interim Supervisor Robertson - | Aye    |
| Councilmember Newton -         | Aye    |
| Councilmember Baumli -         | Absent |

Councilmember Smith made a motion to exit the executive session at 8:06pm. Councilmember Newton seconded that motion.

Roll Call Vote:

|                                |        |
|--------------------------------|--------|
| Councilmember Rasmussen -      | Aye    |
| Councilmember Smith -          | Aye    |
| Interim Supervisor Robertson - | Aye    |
| Councilmember Newton -         | Aye    |
| Councilmember Baumli -         | Absent |

Interim Supervisor Robertson stated that regarding the issue of a personnel and employment there is no action taken. She stated that regarding the issue of litigation, they did bring in the Code Enforcement Officer as that particular issue concerned her department and they felt it was important enough to have her join them and give them additional information regarding the case but no official action has been taken on that either.

**PRIVILEGE OF THE FLOOR:**

**Peg Munves** stated that habitat for humanity is having a fundraiser this Thursday at 6pm at Meissner's Auction. Last year they had a purse one and it was very successful, handbags for habitat, this is bling for the builds and people donated jewelry, a lot of fine jewelry and really nice costume jewelry and fun jewelry and stones.

**EXECUTIVE SESSION:**

Interim Supervisor stated that we needed to have 2 executive sessions, they have to go back into it. She wanted to come out of the first one to give everyone a chance to ask questions, talk, complain, tell her a funny story and the second executive session they do need to go into.

Attorney Tingley stated that he does want to clarify the record on something. At the previous meeting Mr. Rasmussen had recused himself from consideration of an ethics

complaint that concerned him as a victim or him as a complainant. The complaints are under review and there are actually 4 complaints that involve the same incident so he wants to clarify for the record and ask Mr. Rasmussen if he will be recusing himself on each of those complaints, the 4 that involve the same incident. Councilmember Rasmussen stated that it seems to him that he should be recusing himself from discussion on his complaint. Attorney Tingley stated that it doesn't matter who the complainant is, in each of the complaints he is identified as the victim of the conduct and he thinks it would be appropriate for him to recuse himself from participating in the decision making because he doesn't believe it accords with fundamental fairness to the accused for the alleged victim to be a decision maker. Councilmember Rasmussen recused himself from all 4 complaints.

Councilmember Smith made a motion to enter an executive session at 8:11 pm to discuss matters leading to the potential discipline of a particular person. Councilmember Newton seconded that motion.

Roll Call Vote:

|                                |         |
|--------------------------------|---------|
| Councilmember Rasmussen -      | Abstain |
| Councilmember Smith -          | Aye     |
| Interim Supervisor Robertson - | Aye     |
| Councilmember Newton -         | Aye     |
| Councilmember Baumli -         | Absent  |

Councilmember Smith made a motion to exit the executive session at 8:37 pm. Councilmember Newton seconded that motion.

Roll Call Vote:

|                                |         |
|--------------------------------|---------|
| Councilmember Rasmussen -      | Abstain |
| Councilmember Smith -          | Aye     |
| Interim Supervisor Robertson - | Aye     |
| Councilmember Newton -         | Aye     |
| Councilmember Baumli -         | Absent  |

Councilmember Smith made a motion to adopt the decision prepared by our Town Attorney in the matter of the ethics complaint in matter #2019-1 and direct that a copy of the decision be mailed by the Town Clerk on October 9<sup>th</sup> to the complainant and the respondent. Councilmember Newton seconded that motion.

Roll Call Vote:

|                                |         |
|--------------------------------|---------|
| Councilmember Rasmussen -      | Abstain |
| Councilmember Smith -          | Aye     |
| Interim Supervisor Robertson - | Aye     |
| Councilmember Newton -         | Aye     |
| Councilmember Baumli -         | Absent  |

Councilmember Smith made a motion to adopt the decision prepared by our Town

Attorney in the matter of the ethics complaint in matter #2019-2 and direct that a copy of the decision be mailed by the Town Clerk on October 9<sup>th</sup> to the complainant and the respondent. Councilmember Newton seconded that motion.

Roll Call Vote:

|                                |         |
|--------------------------------|---------|
| Councilmember Rasmussen -      | Abstain |
| Councilmember Smith -          | Aye     |
| Interim Supervisor Robertson - | Aye     |
| Councilmember Newton -         | Aye     |
| Councilmember Baumli -         | Absent  |

Councilmember Smith made a motion to adopt the decision prepared by our Town Attorney in the matter of the ethics complaint in matter #2019-3 and direct that a copy of the decision be mailed by the Town Clerk on October 9<sup>th</sup> to the complainant and the respondent. Councilmember Newton seconded that motion.

Roll Call Vote:

|                                |         |
|--------------------------------|---------|
| Councilmember Rasmussen -      | Abstain |
| Councilmember Smith -          | Aye     |
| Interim Supervisor Robertson - | Aye     |
| Councilmember Newton -         | Aye     |
| Councilmember Baumli -         | Absent  |

Councilmember Smith made a motion to adopt the decision prepared by our Town Attorney in the matter of the ethics complaint in matter #2019-4 and direct that a copy of the decision be mailed by the Town Clerk on October 9<sup>th</sup> to the complainant and the respondent. Councilmember Newton seconded that motion.

Roll Call Vote:

|                                |         |
|--------------------------------|---------|
| Councilmember Rasmussen -      | Abstain |
| Councilmember Smith -          | Aye     |
| Interim Supervisor Robertson - | Aye     |
| Councilmember Newton -         | Aye     |
| Councilmember Baumli -         | Absent  |

Attorney Tingley left the meeting at 8:40 pm.

**OLD BUSINESS:**

***Berkshire Thrift Sign Donation:***

Interim Supervisor Robertson stated that she put down the Berkshire thrift sign donation because it went right out of her head what they had decided. Town Clerk Houghtling stated that they were going to have the wording for the sign finalized to approve at tonight's meeting. Councilmember Smith stated that they will need to table this until the next meeting. Interim Supervisor Robertson stated that she will need to sit down and meet with Tegan and she just hasn't had a chance to.

**NEW BUSINESS:**

***Waiver of Marriage License Fee for Active Duty Military:***

Interim Supervisor Robertson stated that she has appointed Kevin Smith to be the Deputy Supervisor for the duration of her interim appointment.

**TOWN OF NEW LEBANON**

**RESOLUTION #28, 2019**

**WAIVER OF TOWN FEE FOR MARRIAGE CERTIFICATES FOR ACTIVE DUTY MILITARY**

**OCTOBER 8, 2019**

At a regular 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 8<sup>th</sup> day of October, 2019, the following Resolution was proposed and seconded:

Resolution by Councilmember Smith Sr.

Seconded by Councilmember Newton

***ADOPTION OF MARRIAGE LICENSE FEE WAIVER***

WHEREAS, Governor Cuomo signed legislation (S.3756/A.55) waiving the state fee for marriage licenses for active duty member of the U.S. armed forces or their spouses; and

WHEREAS, the bill gives local governments freedom to waive the fees they charge for marriage certificates for active duty service members or spouses; and

WHEREAS, the Town of New Lebanon wishes to waive the fees they charge for marriage certificates for active duty service members or spouses;

NOW, THEREFORE, BE IT RESOLVED, the Town Board of the Town of New Lebanon hereby waives the fees for marriage certificates for active duty service members of the U.S. armed forces or their spouses.

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 Sr.    | Aye    |
| Interim Supervisor Meg Robertson | Aye    |
| Councilmember Jesse Newton       | Aye    |
| Councilmember Mark Baumli        | Absent |

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.

***Issuance of Campground Permits and Mobile Home Park Licenses:***

Councilmember Newton stated that our town law currently states that campground

permits and mobile home park licenses are issued out of the Town Clerk's office after approval by the Town Board. He feels it makes more sense for them to be issued out of the building department, which is where they have historically been issued out of. Both offices agree that this makes the most sense. He would like to include this in the next packet from the ZRC that goes to the Attorney to be changed by local law. Town Clerk Houghtling asked if Councilmember Newton check with the Town Attorney to be sure there is not any statutory requirement that they come from the Town Clerk's office. Councilmember Newton stated that it does not have to be issued from the Town Clerk's office.

***Set Public Hearing Dates for Budget Approval and 2020 Contracts:***

Town Clerk Houghtling stated that there must be 2 separate public hearings held, one on the LVPA budget and one on the town budget, at the latest by Thursday, November 7<sup>th</sup>. A public hearing was set for the 2020 LVPA budget on November 7<sup>th</sup> at 6:00 pm. A public hearing was set for the 2020 town budget on November 7<sup>th</sup> at 6:15 pm.

Councilmember Newton asked if we could just have the public hearings for the LVPA and CRS contracts on the same night as the budget public hearings. Town Clerk Houghtling stated that we don't yet have a contract from Chatham Rescue or the LVPA. Councilmember Smith stated that he, Councilmember Baumli and Ed Godfroy are going to get together to work on the LVPA contract for 2020. Interim Supervisor Robertson stated that she is working with Chatham Rescue to get the contract. It was decided that at the November meeting the board will schedule public hearings for the LVPA and CRS contract.

***Board of Assessment Review:***

Councilmember Smith made a motion to re-appoint Robert Weber to the Board of Assessment Review with a term running from 10/1/19 through 9/30/24. Councilmember Newton seconded that motion.

Roll Call Vote:

|                                |        |
|--------------------------------|--------|
| Councilmember Rasmussen -      | Aye    |
| Councilmember Smith -          | Aye    |
| Interim Supervisor Robertson - | Aye    |
| Councilmember Newton -         | Aye    |
| Councilmember Baumli -         | Absent |

***Mobile Home Park Approvals:***

Councilmember Smith made a motion to approve the mobile home park permits for Tazmutt and Hansons trailer parks. Councilmember Newton seconded that motion.

Roll Call Vote:

|                                |        |
|--------------------------------|--------|
| Councilmember Rasmussen -      | Aye    |
| Councilmember Smith -          | Aye    |
| Interim Supervisor Robertson - | Aye    |
| Councilmember Newton -         | Aye    |
| Councilmember Baumli -         | Absent |

***Health Insurance Approval:***

Councilmember Smith made a motion to approve the Delta Dental PPO+ Premier Plan, the CDPHP Gold Embrace Health EPO and the MVP HMO HDHP 20 at the 2019-2020 rates and to authorize the Town Supervisor to sign the necessary contracts. Councilmember Newton seconded that motion.

Roll Call Vote:

|                                |        |
|--------------------------------|--------|
| Councilmember Rasmussen -      | Aye    |
| Councilmember Smith -          | Aye    |
| Interim Supervisor Robertson - | Aye    |
| Councilmember Newton -         | Aye    |
| Councilmember Baumli -         | Absent |

**COMMITTEE/LIAISON REPORTS:**

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

No report.

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

No report.

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

Councilmember Rasmussen stated that Bruce Shenker asked him to read this notice into the record about inventories to action. There is going to be a workshop for municipal agencies and land trusts about how to put your natural resource inventory or open space plan to use on Saturday, November 9<sup>th</sup> from 9-4 at the Emmanuel Reformed Church in Castleton. Peg Munves stated that some CAC members are going if anyone wants to carpool.

Peg Munves stated that the water source report, eagerly awaited, is hopefully coming in January 2020. Steve Winkley has submitted some maps already. The CAC is reviewing the maps.

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

Councilmember Smith stated that it was in the paper that there was a decrease in the LVPA of \$30,000. It wasn't a decrease, that was in a capital reserve account which is not being added to this year so it is actually budget neutral from last year to this year with the fire company. He stated, as everyone he's sure knows, the trooper barracks won't be done until 2022 now so they will be around for a couple more years.

Interim Supervisor Robertson stated that she thinks the reason why that misinformation came out in the Eastwick about the fire budget is they are on the email thread and when they got the copy of the budget, whoever the reporter was in writing it up noticed the difference and it looked like last year to this year it went down \$30,000. It wasn't a deliberate thing to

say hey they're saving \$30,000.

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

Councilmember Smith stated that hopefully Jeff's truck will be here sometime in the near future. That would be the one ton truck. The one for this year that's in the budget is one of the larger trucks, single axle. With that being ordered this year, provided it's approved by the full board, that truck will not be ready, we will not receive it, until at least 2021 or 2022. They are usually a year plus out because they have to build them.

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

Interim Supervisor Robertson stated that this Sunday at 2pm Father John Close from the Immaculate Conception Church is going to come and give a talk about the move in the 1800s. The Catholic Church that used to be on Old Mountain Road, which if you go up there at the top of the hill there is a cemetery, it may seem like it's a little bit of an odd place for a cemetery but there was a Catholic Church in the space that is between the last house and the cemetery and in the 1800s that church was moved to Stephentown, not the congregation, the physical church. If you want to know how that happened come to the meeting and Father John Close will share at 2pm on Sunday, October 13<sup>th</sup> at the town hall. Refreshments will be served.

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

No report.

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

Councilmember Smith stated that compaction test was done today for the floor of the bathrooms. They are going to come in, finishing the project will probably be the middle of November, this is due to not being able to get the roofing in until the 1<sup>st</sup> of November. To him this is an acceptable reason on why there is going to be a 2 week delay on that. Councilmember Newton stated that there is probably going to be one small add on to the contract for the pavilion bathroom that was unforeseen. It was the moving of the propane line that is on the back of the building, it was an oversight so there had to be conduit installed and there is one propane line that has to be run through that conduit. It was unforeseen and it is a relatively small amount. Councilmember Smith stated that he spoke with the Town Engineer and he said he did not think about the propane line and the way the contractor wants to proceed is approved by the Engineer with his thank you and blessings for the contractor finding that before the floors went down.

Town Clerk Houghtling asked if the Engineer is going to draft the addendum to the contract. Councilmember Smith stated yes. Town Clerk Houghtling asked if he can include the extension of the timeline for the completion of the project. Councilmember Smith stated that he would reach out to the Engineer to include that as well in the addendum.

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

Town Clerk Houghtling stated that Councilmember Baumli asked her to look into the safe at home program. Joyce Thompson will come to the November 12<sup>th</sup> board meeting to do a

presentation on the safe at home program which is about seniors aging safely and comfortably in their own home.

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

Councilmember Smith stated that the hot water heater is leaking in the cellar. We have the money in the budget and it will come in under what he has to get two quotes on it. He doesn't need the board's authorization but if there are any questions. Other than that he is going to have Hatch proceed on installing that.

**ANNOUNCEMENTS:**

***OCTOBER:***

***Wednesday, October 16<sup>th</sup> ~ Budget Workshop Meeting @ Town Hall @ 7:00 pm***

***Thursday, October 17<sup>th</sup> ~ Budget Workshop Meeting @ Town Hall @ 6:30 pm***

***Monday, October 21<sup>st</sup> ~ Budget Workshop Meeting @ Town Hall @ 5:00 pm***

***Monday, October 21<sup>st</sup> ~ Town Newsletter submissions due to the Town Clerk***

***NOVEMBER:***

***Friday, November 1<sup>st</sup> ~ Town Newsletter published and distributed***

***Tuesday, November 12<sup>th</sup> ~ Regular Monthly Meeting @ Town Hall @ 7:00 pm***

**BUDGET AMENDMENT:**

**Budget Amendment #8 of 2019:**

**General Fund:**

|          |  |
|----------|--|
| \$16,720 | from A-1990.4 (Contingency)  |
| \$79     | from A-7020.1 (Recreation Administration – Personal Services)        |
| \$325    | from A-8160.41 (Refuse/Garbage Town Clean-Up)                        |
| \$3,000  | from A-1990.4 (Contingency)  |
| \$16,720 | to A-7140.4 (Pavilion Bathrooms – Contractual Expense)               |
| \$79     | to A-7310.4 (Youth Program – Contractual Expense)                    |
| \$325    | to A-8160.4 (Refuse/Garbage)   |
| \$3,000  | to A-8664.41 (Code/Zoning – Pete Latanzio – fire/safety inspections) |

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    |
| Interim Supervisor Robertson - | Aye    |
| Councilmember Newton -         | Aye    |
| Councilmember Baumli -         | Absent |

**AUDIT OF BILLS:**

**General Nos. 346 through 374, in the amount of \$32,464.05; and**

**Highway Nos. 107 through 118, in the amount of \$13,485.66;  
As listed on Abstract No. 10, dated October 8, 2019.**

A motion was made by Councilmember Newton and seconded by Councilmember Smith to pay the above noted claims from their respective accounts.

Roll Call Vote:

|                                |        |
|--------------------------------|--------|
| Councilmember Rasmussen -      | Aye    |
| Councilmember Smith -          | Aye    |
| Interim Supervisor Robertson - | Aye    |
| Councilmember Newton -         | Aye    |
| Councilmember Baumli -         | Absent |

**Amendment to Highway Abstract No.9:**

Town Clerk Houghtling stated that at last month's meeting there was a typo on the abstract. The voucher numbers and amounts were correct, but the totals did not sum correctly so the board will need to just amend the total amount for the highway abstract.

A motion was made by Councilmember Newton and seconded by Councilmember Smith to amend highway abstract number 9 of 2019, adjusting the total amount from \$85,526.96 to \$89,181.28.

Roll Call Vote:

|                                |        |
|--------------------------------|--------|
| Councilmember Rasmussen -      | Aye    |
| Councilmember Smith -          | Aye    |
| Interim Supervisor Robertson - | Aye    |
| Councilmember Newton -         | Aye    |
| Councilmember Baumli -         | Absent |

**ADJOURNMENT:**

A motion was made by Councilmember Smith and seconded by Councilmember Newton to adjourn the meeting at 9:27 pm.

Respectfully submitted,

Tistrya Houghtling  
New Lebanon Town Clerk