

**MINUTES OF THE REGULAR MEETING OF
THE TOWN BOARD OF THE TOWN OF NEW LEBANON
HELD ON JANUARY 10, 2017**

Present: Colleen Teal, Supervisor
Kevin Smith Sr., Councilmember
Dan Evans, Councilmember
Mark Baumli, Councilmember
Stephanie Ferradino, Town Attorney

Absent: Chuck Geraldi, Councilmember

Recording Secretary: Tistrya Houghtling, Town Clerk

Others Present: Robert Smith, Planning Board Member
JJ Smith, NL Rep to CC Office for the Aging
Cynthia Creech, Deputy Supervisor, Court Clerk,
Rec. Commission, CAC & ZRC Member
Ed Godfroy, LVPA
Matt Larabee, LVPA
Gregg Gilliland, LVPA
Ted Salem, Planning Board & ZRC Member
Herb Jones, Park & Building Maintenance
Judy Zimmer, Cleaner
Peg Munves, CAC Member
David Farren, CAC Member
Bruce Shenker, NL Rep to CC Environmental
Management Council
David Flint, *The Eastwick Press*
Several members of the Public

CALL TO ORDER:

The meeting was called to order at 7:00 p.m. by Supervisor Teal. A moment of silence was followed by the flag salute.

MINUTES:

The minutes of the **December 13, 2016 Special Meeting and December 13, 2016 Regular Monthly Meeting** were reviewed. Town Clerk Houghtling stated that she is asking for the minutes of the December 13, 2016 Regular Monthly Meeting to be accepted with one edit on page 6, removing the third paragraph "Therefore Be I Resolved... Highway Inventory" in its entirety. A motion was made by Supervisor Teal, seconded by Councilmember Smith and approved unanimously to accept the above noted minutes as typed with the edit on page 6 of the December 13, 2016 Regular Monthly Meeting.

FINANCIAL:

Supervisor's Report:

Supervisor Teal provided the public and TB members with a copy of the Supervisor's Report as of December 31, 2016. A motion was made by Councilmember Smith, seconded by Councilmember Baumli and approved unanimously to accept the Supervisor's report.

PRIVILEGE OF THE FLOOR:

Timothy Laraway asked who our Park/Grounds Superintendent is. Supervisor Teal stated that it is Donnie Sears. Timothy Laraway stated that the brand new nets are up on the new tennis courts in the middle of winter taking a beating and he would like them taken down for the winter. He stated that he went by the Town Hall the last 3 snowstorms where we only got a couple of inches of snow and the handicapped ramp was never cleared off the entire day. He stated that today the handicapped ramp was cleared off but the handicapped parking area was not cleared off. If someone is handicapped, it is very difficult to get out of the car when the snow is not cleared off the parking area. He wants the handicapped ramp cleared off every time it snows, even if it only snows a small amount.

Timothy Laraway stated that he has been driving by a lot of Town Halls in the area and has noticed that the only municipal building that does not have an American Flag flying in front of it is the Town of New Lebanon Town Hall. Supervisor Teal stated that Mr. Koepf takes care of our flag for us and during the winter he takes it down because we don't have it lighted. Timothy Laraway stated that the people who earned that flag didn't worry about whether it was winter or summer. He stated that if the other Town Halls, schools and churches can have their flags flying in the winter, we can do it too.

Timothy Laraway stated that the Behold! New Lebanon banners on the Gallup Inn just got removed but they had them up for 2 ½ years after being told that they could not put them up. He stated that his wife was threatened with jail time if she did not correct a problem within 14 days. He doesn't get why they could have the banner up for 2 ½ years but his wife had to come into compliance in 14 days. He stated the house at 1492 Route 20 by the Elementary School that he was told in August the Town was keeping a close eye on, nothing has been done about. Supervisor Teal stated that violations have been issued for that property and are currently in front of the Court.

Attorney Ferradino stated that various actions are being taken currently on the properties that Mr. Laraway mentioned as well as other properties within the Town. The enforcement proceedings are in process on many of them but there is a time frame for those and there are limited resources of the Town. We are processing those in the same manner that we did with your (Mr. Laraway's) claim. Mr. Laraway stated that they had two weeks. Attorney Ferradino stated that they had two weeks from the time that they appeared in court.

Cynthia Creech stated now that we have gone through our first full year with a new Supervisor and two new Town Board Members and two Town Board Members from the past, she wants to thank all of them for the efforts that they have put in over the last year. We have accomplished a lot on behalf of the citizens and for the town. Most of the things that were accomplished are things that were brought up by residents or were asked of residents what they wanted and they responded. The first thing was the playground equipment. We got it for a small amount of money and many residents and board members put in time and effort to get the playground installed. The second thing is the tennis courts which, for tennis courts, did not cost a lot of money. They did a survey asking people of the town what they thought and it was shown that residents wanted the tennis courts re-done so they did them at a very reasonable cost. The section of town

called the “miracle mile” has been re-paved and you can be assured that Colleen Teal being the Town Supervisor accomplished that. The park maintenance staff has done a wonderful job maintaining the park all summer and fall. The land use office and the Town Clerk’s office and part of the entryway into the building have looked horrible for years now. The building maintenance staff did a wonderful job renovating these offices and now they look like professional offices that the residents should be proud that people can come and do business in these offices now. It cost a very small amount of money since Colleen, Cissy, Tistrya, Marcie, Donnie and Herb did the work themselves. She wants to thank all the board members for their hard work this year. She whole heartedly supported Colleen Teal becoming Town Supervisor because she knew that she would do a wonderful job because of her brain power, her knowledge of the Town, her understanding of the Town and her work ethic.

OLD BUSINESS:

Certificates of Appreciation:

Supervisor Teal presented Certificates of Appreciation to the following people for their dedicated and distinguished service while serving the Town of New Lebanon:

Jerry Grant has been on our Planning Board since 2008 and has done a wonderful job. His time is limited right now but we hope that he will consider serving again when he has more time available.

Scott Larabee has served on the Recreation Commission since 2011. He started the Community Picnic and works annually to keep this event going. He has served as our building maintenance from 2011-2016 and as park maintenance and pavilion rental from 2012-2016. He is another one whose time has become limited but again we greatly appreciate the service he has provided to the Town.

Donnie Sears and Herb Jones are our building maintenance staff and they spent all of the Holidays with the exception of Christmas Day itself working on the Town Hall renovations with us. We have managed to do the renovations to the Town Clerk’s Office, the Building Department Office and the entryways for about \$2,000, including materials. There is still some work to be done on the hallways and the Town Supervisor/Tax Collector’s Office. Donnie and Herb were also instrumental in getting the playground installed. They are proving to be remarkable additions to the Town Staff.

Supervisor Teal stated that there were other donors to the Town Hall renovations but they have requested that they remain anonymous and she will honor that request however she does need to say that it’s the residents and businesses of New Lebanon that prove time and again just how special we are. As a community we have a lot to be proud of and grateful for.

Amendments to Zoning Regulations:

Solar:

Supervisor Teal stated that she went through and has some specific questions on the Zoning and Code proposed changes. She has distributed a handout to the Town Board members with her specific questions. She will start with the solar proposal.

Her first question is on the shared solar energy arrangement definition, "An arrangement that extends Net Metering to groups of renters, homeowners, businesses, and municipalities that subscribe to a portion of a solar energy project, of which 51% shall be located in the Town of New Lebanon." She stated that 51% seemed like a small number and in her mind she was thinking it would be more in line with 75 or 80% and she didn't know the logic behind making that 51%. Ted Salem stated that they were mostly concerned that if it was going to be cited in New Lebanon they wanted to make sure that the residents would be the beneficiaries of it. What they didn't want to preclude is something leaning towards Stephentown, Canaan or Chatham so they wanted to allow the possibility of a shared arrangement that would incorporate residents of other towns, but they wanted to make sure that if it was cited in New Lebanon at least the majority of the benefactors were located in New Lebanon. 51% was an arbitrary number as it could be any number that we want it to be.

Supervisor Teal asked if it's a community arrangement not linked with any other town, but just for residents here, could they then sell 49% back to the utility company. Ted Salem stated that selling back to the utility is not in the equation. It would be the subscribers of the service that would have to be New Lebanon residents. Supervisor Teal asked if this proposed legislation would allow a situation where they could do a community arrangement in Lebanon Springs that provided 51% of the power being generated to homes in New Lebanon and then sold back 49% of the power being generated to the utility company. Ted Salem answered that the legislation would allow that. Supervisor Teal asked if we might want to raise the number past 51% to prevent situations like this from being allowed. Cynthia Creech asked Supervisor Teal what she is trying to preclude by raising this number. Bruce Shenker stated that all of the power generated goes back to the grid and it's a matter of subscribers saying that they are in this coop so they are paying a certain percentage of the solar costs to get their electricity but they are still getting their electricity from the power company. Supervisor Teal stated that her concern is that community facilities are regulated much more leniently than a for profit commercial facility. She wants to prevent a company from getting around the for profit regulations by saying it is a community arrangement, providing 51% to New Lebanon residents and then using the other 49% for profit, without having to abide by the for profit regulations. Ted Salem stated that the 49% does not relate to where the energy is distributed, it is relating to the subscriber's location.

Supervisor Teal asked Attorney Ferradino if there is a loophole there that might be taken advantage of. Attorney Ferradino stated no. She stated that she thinks Supervisor Teal's concern probably relates more to later in the legislation where they are not subject to the same regulations but as she was going through some of those things, she is not sure they are necessary and so she is not sure that there's a large issue here although she thinks you still want to have the same abandonment and decommissioning provision. She is not sure that you would want to make them exempt from those because some of them make sense whether it is for profit or community based. She would want to look carefully at why we are exempting from some of these issues.

Supervisor Teal stated that her next question is regarding the large-scale system and stating that it is ground mounted. She stated that she knows that some of this is following the State's guidelines but she is envisioning something along the lines of the Sampson Building and that roof is large enough that a for profit installation could go on there. Ted Salem stated that under this definition that would not be large scale. Under this definition anything that is

roof mounted is small scale. They followed the State's guidelines here and they also agreed with it because looking at our Town, there are only a few places where you could have a large roof mounted system and they didn't see a problem with having a roof mounted system on there. Attorney Ferradino stated that the roof mounted systems are less impactful visually is primarily why you would do that. Ted Salem stated that they do also have screening provisions for roof mounted systems.

Supervisor Teal stated that on page 3 it references specifically the International Building Code and she is wondering if it can be more generic in case the State changes it again. We are going through that now where our code references the NYS Building Code and now we have to go in and modify our code because they have adopted the ICC. Attorney Ferradino stated that we should add a catch all within the legislation itself that allows that to be captured.

Supervisor Teal asked if all roof mounted are exempt from site plan review. Ted Salem answered yes. Attorney Ferradino stated that they are still subject to permitting to make sure that they comply with the regulations. Ted Salem stated correct.

Supervisor Teal stated that on page 4, paragraph 1 it states "...Shared Solar Energy Arrangements shall not be subject to the supplementary requirements listed under subdivision D. (3)(c) of this section." Attorney Ferradino stated that those are the provisions that we are talking about with the large scale installations. Supervisor Teal stated that one of these requirements is that any damaged or unused components shall be removed within 30 days and asked why we would not want Shared Solar Energy Arrangements not to comply with these provisions. Ted Salem stated that there are still requirements related to decommissioning generally but those really specific ones they thought were a bit much for a community distribution system. He stated that section C is application requirements. Attorney Ferradino asked for clarification on the section that is application requirements as they are looking at section D. (3)(c). Ted Salem stated that he thinks there may be a typo in there as that is not the section that they were intending to exempt them from. He will need to look back over his notes.

Supervisor Teal stated that on page 4 it talks about limiting installation of ground mounted solar energy systems to side or rear yards and a question as to whether to apply this to all zones or only to residential zones. The recommendation is to apply it to all zones. She agrees that the restrictions should be in all zones, not just residential zones.

Supervisor Teal asked about the performance bond. She stated that with our performance bond for the cell tower, if that performance bond lapses, it deems the permit to be invalid and it can be revoked. Supervisor Teal requested that we include that language in the solar regulations as well. Attorney Ferradino stated that means they would have to shut down the generation of electricity until such time that they remedied. Supervisor Teal stated the only other things that she has in her notes is legal technicalities such as severability. Attorney Ferradino stated that is already covered because this is going to be part of the Zoning Code which includes severability and applicability already.

Councilmember Evans asked a question about page 7 section 4 (c) which states "The site shall be restored by the owner/operator to as natural a condition as possible within 6 months of

removal.” He asked if there is something that would be on record as to what the natural state was so that if they go and construct a brownfield and then 30 or 40 years down the road they just remove the hardware, what about the trees and other vegetation that was there before. Is there anywhere that would be on file to document that? Attorney Ferradino stated that the application could contain plans that showed existing vegetation. Bob Smith stated that the vegetation would re-grow itself after the solar array was torn down. Attorney Ferradino stated that large trees would not re-grow for many decades. She stated that typically the solar developers don’t come in to a place where they will need to clear cut a huge amount of trees. They are looking typically for open fields. Bob Smith stated that he feels that a provision such as the one recommended by Councilmember Evans is unnecessary. He stated that as long as you clear the field up of the metal and other foundations you have there, it will just go back to what it was naturally. Attorney Ferradino stated that a large scale array simply takes the poles and places them in the ground so when they are removed there will be holes that are 6 feet deep. Bob Smith stated that he agrees that it should be put back the way it was as far as filling in the holes and such but as far as vegetation goes, it will naturally grow back. Cynthia Creech stated that she feels that they should be required to flatten out the ground and seed it nicely or maybe plant flowers. Attorney Ferradino stated that we could put in there that the plans must show existing mature vegetation so that if they needed to go back to determine the state of the property before the solar array the plans would show the larger trees that might need to be replaced.

Supervisor Teal asked if screening should be referenced to requirements under site plan review. Attorney Ferradino stated that those could be captured by the SEQR provision that is towards the end of this which says that you can impose conditions as part of the special use permit in order to comply with SEQR and SEQR largely could govern visibility.

Supervisor Teal stated that a section of the solar is exempt from site plan review. She asked if there is still an application and permit process. Ted Salem answered yes, everything has to go through the building department and it states this at the beginning of the proposed recommendations. Supervisor Teal asked if our view shed should be noted as an important resource and protection thereof is important. Attorney Ferradino stated that we should but it goes back to the cultural resource group within our Town needs to designate which view sheds are to be protected in order for the Planning Board to have the enforcement abilities to say that a view shed has been designated as significant within our Town and therefore under SEQR it is protected. She asked that the CAC include these resources within the report that they are currently generating. Cynthia Creech stated that the CAC has been working on this and it will be included in their report.

Supervisor Teal asked a question regarding Section D. (4) (d) where it states “If the Large-Scale Solar Energy System is not decommissioned after being considered abandoned, the town may remove the system and restore the property and impose a lien on the property to cover these costs to the municipality.” There is a note to consult the Attorney is this is the best enforcement method. Supervisor Teal asked if with the performance bond, this is needed. Attorney Ferradino stated that she doesn’t think we need this because the performance bond would allow the town to go in, do all the decommissioning work and then reimburse itself for the expense. Ted Salem stated that he took that from another place and did have questions about it which is why they put the note there to consult the attorney on it. Attorney Ferradino stated that it is hard because in New York State all the municipalities

are doing this work at the same time so there isn't any great regulations to point to because it's so new. Attorney Ferradino stated that the first draft presented by the Zoning Re-Write Committee is far more thorough than many that she has reviewed that have already been filed with the Secretary of State and we are way ahead of the curve on this. Cynthia Creech stated that she wants to give Ted Salem credit for that because he has worked almost exclusively on this and has done a vast majority of the work.

Attorney Ferradino asked if we really want to see large-scale solar in commercial zones because that is the most visible area of our town. She also asked if the lots in the commercial zones are big enough to support large-scale solar as a 2 mega-watt system takes about 10 acres and most companies don't want to do anything less than a 4 mega-watt system which would require 20 acres. Ted Salem stated that they thought a lot about this and it was pretty clear that they did not want them in residential districts because they didn't want them interfering with the view sheds. The only spots that they thought were logical were the commercial zones because it's flat and there are a few lots larger than 20 acres in the commercial zones. Supervisor Teal stated that it is easier as we go forward to expand where we will allow them if we find that there is a need rather than trying to contract. She thinks as the CAC develops their natural resources inventory and defines the view sheds needing protecting, we may be able to expand it later if we find it's not sufficient. She thinks as a start it's a good idea to keep it limited to a small area knowing we can always expand.

Attorney Ferradino asked if we might want to include something about benefitting agricultural land. She stated that some communities are interested in allowing agricultural lands to benefit financially from solar to help support the agriculture. Councilmember Baumli stated that their thoughts on this were that because a lot of this agricultural land is already in the agricultural program where people are getting tax breaks based on that and if they were to be taken out of the agricultural program they would have to pay back the taxes for a certain number of years and it might not be financially beneficial. Supervisor Teal stated that a lot of the agricultural land would affect our view sheds if large scale solar were allowed there.

Attorney Ferradino stated that she didn't see anything about designation of additional uses on the site. If you have a commercial array can there also be another principal use on the site? Councilmember Baumli stated that if the land is large enough to have additional structures then yes it would be okay to have more than one principal use.

Attorney Ferradino stated that with inspection permitting her thought is that because solar is so novel that you may want to have something in here for each and every type of array to allow for an escrow, to allow the town to have access to experts who know how to inspect these. Ted Salem asked if this would apply to small scale too. Attorney Ferradino recommended that it applies to all because she feels that the town doesn't have the expertise at this point and if we need to bring in experts she would rather it not come out of the town's pocket. It would allow for the applicant to pay for any needed inspections by professionals in this field instead of the town having to pay these costs. Bob Smith asked if this would apply to homeowners installing solar at their house. Attorney Ferradino replied that it does. Supervisor Teal stated that you are not looking at a significant cost and this is how we do it currently for other applications through the building department because otherwise the tax payers would have to pay for individual homeowners to have the benefit of solar on their

home. Bob Smith asked why the solar panels would have to be inspected. Attorney Ferradino stated that an inspection will protect the property owner as well as the town.

Attorney Ferradino stated that in the intent and purpose section A. (4) talks about "Balancing the potential impacts on neighbors when solar collectors may be installed..." Attorney Ferradino would like to switch the word "neighbors" to "the public" to include all that may be affected.

Supervisor Teal asked how to protect people's investment in solar from a neighbor possibly building or installing something that may block the sun from the solar, rendering it useless. Attorney Ferradino stated that you can add a provision that says that you can't interfere with the benefit for an existing solar array by creating something that will cause shadow over it. Attorney Ferradino asked if that provision is something that the town wants in here. Ted Salem stated no. He stated that they had talked about this at length and they didn't see that as a practical provision. They also didn't want to interfere with the ability of someone to plant a tree on their own property. Supervisor Teal stated that if you invest thousands of dollars on a solar array and the installation of that tree by a neighbor is going to prevent you from using your array which pre-exists.... Councilmember Baumli stated that you should be aware of that situation before you invest in that array. That neighbors land is his to do as he chooses. He might not like his neighbor putting an array in his yard. He might think it's ugly and devalues his property. If it's legal for the neighbor to put the array in on his own property than it should be legal for him to put the tree on his own property. It's his land, he bought it. If you want to own 50 acres and do whatever you want in the middle of nowhere then you can do that. Attorney Ferradino stated that you can cite your array far enough from your property line that a neighbors installation of a tree, fence or building won't interfere.

Attorney Ferradino stated that in regards to emergency responders, one of the provisions that she has seen a town require for a large-scale array is training for the emergency responders in how to deal with potential problems. Everyone agreed that that is a reasonable provision that should be added.

Attorney Ferradino stated that with regard to limitation on the number of arrays, that is an illegal provision and we can't put that in there. There is a legal protection argument there.

Attorney Ferradino asked if the town talked about taxing at all. Supervisor Teal stated that we have not yet. Attorney Ferradino stated that there is a provision within the New York State laws that say once an array is installed, it's taxable as real property. New York State then takes an exemption of 15 years, so for 15 years the solar array is exempt from tax unless the municipality decides to opt out. Supervisor Teal stated that her understanding is that if we opt out, we have to opt out for everything, residential and commercial. She stated that the other alternative is to notify any applicant of a large array within 45 days of receiving their application to do a PILOT (payment in lieu of taxes). Supervisor Teal asked if we should make this part of our legislation that they will be required to enter into a PILOT. Supervisor Teal stated that she does want the commercial taxed but she does not want the residential taxed. Attorney Ferradino stated that the PILOT doesn't have to be in here, but it wouldn't hurt to put that language in here and then you have put people on notice that this will be required of them.

Attorney Ferradino asked in regards to screening how the Town feels about visibility of the structure. Is your screening going to require that nobody be able to see the array from anywhere or is it simply to help shield the view? Councilmember Baumli stated that it is to help shield the view.

David Farren asked how you would arrive at a fair PILOT. Supervisor Teal stated that we are allowed to set up a PILOT for the same value as it would have been if they were taxed.

Supervisor Teal stated that now Attorney Ferradino will go back and draft a proposed local law. Once that is in final format, then we can set the public hearing.

Proposed Changes to Zoning:

Supervisor Teal stated that one of her biggest concerns is the lack of need for a permit for all fences. She feels very strongly that if we are going to set any regulations and we do not have a permitting process or an application process, there is no way to administer and enforce. If we state our requirements for a fence but then we don't require a permit to build the fence then we have no idea when the fence went up and if it was pre-regulation or after and we don't know if it's ten feet from the property line unless someone files a complaint. This creates a nightmare. If we are looking to not make it cumbersome for the applicant, it can be a zero dollar permit, but we need that permitting process to be able to administer and enforce it on the backside. She stated that it is her understanding that we can be stricter than New York State, but not more lenient so we should be allowed to require a permit for any and all fences.

Supervisor Teal asked a question regarding section 205-11 D and if we are allowed to give 30 days for the removal of the violation. She stated that Town Law section 268.2 stipulates that if someone files a zoning complaint, they are entitled to a response in 10 days. Attorney Ferradino stated that it just means the Town has to notice the violation within 10 days of the complaint being filed. It is fine to allow the violator 30 days to remedy the violation.

Supervisor Teal asked if we need to do anything to utilize the 5 year lookback for multiple offenses under NYS Town Law 268.1. Does that law cover it or do we need to add it into our local code? Attorney Ferradino stated that our code also reiterates this town law section so we are covered.

Supervisor Teal stated that for signs and posters proposed changes she needs more time to review it. Ted Salem stated that the Zoning Re-Write Committee has now proposed a much more expansive recommendation which he has sent to the Town Board.

Supervisor Teal stated that under special permits without site plan review are currently before our ZBA instead of our Planning Board. It was changed a couple of years ago and she is not sure why. It makes more sense to her to have all special permits go before the Planning Board. Attorney Ferradino stated that in her experience the Planning Board is the typical party to review both site plans and special use permits and she would keep it all within their purview all the time. Bob Smith stated that the Planning Board can kick it down to the ZBA for referrals if needed.

Supervisor Teal stated that several years ago when we did a modification of our mapping and our zones, we expanded our industrial zone so that instead of the industrial zone only going

750 feet off of Route 20, it would encompass the entire lot. This change has placed the industrial zones in the middle of residential zones on the backside of the larger industrial lots. We now have industrial zones on Bicknell Hollow Road and Schoolhouse road which was not our intent. She suggests when we are doing these other modifications, that we amend that mapping and put it back to 750 feet off the road.

Councilmember Baumli suggested creating the buffer on the Town roads so that the industrial zone can still run the entire lot but when that lot gets close to the Town road there is a buffer that is not industrial zone which leaves only a small piece of the parcel a residential zone. Then you can still use the whole lot except the small piece along the Town road. Supervisor Teal asked Attorney Ferradino if we could do that. Attorney Ferradino asked if this is done as part of our code provisions, part of our map or both. Supervisor Teal stated that she would have to look at the definitions but she believes it's only part of our map. Attorney Ferradino stated that she would need to look into it more.

Supervisor Teal stated that Chapter 81 – Building Code Administration references specifically to NYS Building Code and needs to be changed to ICC code. She asked if it can be changed to more be more generic so we don't have to keep changing it every time NYS adopts a new code. Attorney Ferradino stated that we can. Supervisor Teal stated that in Chapter 81 – 15.A. Compliance Orders states that the CEO has the authority to specify the time period but the ICC code says it cannot exceed 30 days so we may need to re-word that section. All the other jurisdictional inserts are moot as the weed height is addressed in the NYS supplement and the rest are fee related.

Procurement Policy:

Supervisor Teal asked Attorney Ferradino if our procurement policy needs to be amended where it talks about lowest bid since we adopted the local law allowing us to accept other than lowest bid if there is an added value. Attorney Ferradino will look into it.

Update on Town Hall Renovations:

Supervisor Teal stated that so far the building department office is done, the town clerk's office is done, and the entryways for both entrances have new flooring and are in the process of being painted. The supervisor's office is going to be painted and have new flooring installed this weekend and the hallways and copy room are going to be painted and have new flooring installed in the near future.

Authorization for execution of LVPA contract for 2017:

Councilmember Smith made a motion to authorize the Town Supervisor to execute the 2017 Contract between the Town of New Lebanon and the Lebanon Valley Protective Association. Councilmember Baumli seconded that motion.

Roll Call Vote:

Councilmember Geraldini – Absent

Councilmember Smith – Aye

Supervisor Teal – Aye

Councilmember Evans – Aye (disclosed that he is a member of LVPA)

Councilmember Baumli – Aye

NEW BUSINESS:

General Code Publishers – Editorial & Legal Analysis Proposal:

Supervisor Teal stated that she had requested a proposal in August and there might be a slight change in pricing because the quote was valid for 6 months. Supervisor Teal stated that if you look at what they are willing to do, it is a lot of the same things that she has been talking with the Town Attorney about doing and the \$3,688 that General Code Publishers will charge us to do this is substantially less than what it would cost for the Town Attorney to do it. General Code Publishers was first hired to take over the codification of the Town's codes in the mid 1990s, or 2000 at the very latest and this has never been done. What happens is every time you amend your code there is potential for conflict. She feels that it is very important that we do this and it is much more cost efficient through General Code Publishers than through the Town Attorney.

Supervisor Teal stated that she will obtain a new quote from General Code Publishers to present to the Town Board at the February meeting.

Authorization to accept proposal – Paul McCreary, Engineer:

Supervisor Teal stated that the Town Board did appoint Paul McCreary as the Town Engineer. She sent the Town Board the Standard Contract Terms and Conditions for Paul McCreary and she is looking for authorization to sign the agreement. Each project will come with a proposal that the Town Board will have to authorize before moving forward.

Councilmember Smith made a motion authorizing the Town Supervisor to execute the Standard Contract Terms and Conditions with Paul S. McCreary PE. Councilmember Baumli seconded that motion.

Roll Call Vote:

Councilmember Geraldini – Absent

Councilmember Smith – Aye

Supervisor Teal – Aye

Councilmember Evans – Aye

Councilmember Baumli – Aye

“Free Store” proposal – Town Clerk:

Town Clerk Houghtling stated that she is looking for approval from the Town Board to run a “free store” out of the extra room upstairs at the Town Hall. She stated that she ran the Holiday Gift Drive for families in need in our community and through doing so realized how many families we have here in New Lebanon that are in need. We collected gifts for 27 children from a total of 16 families. Town Clerk Houghtling stated that she grew up at the Abode and they had a “free store” where community members would drop off items they no longer needed and other community members could come and take what they needed for free.

Town Clerk Houghtling stated that she would like to run a “free store” out of the unused room upstairs at the Town Hall. People could drop donations off anytime the Town

Clerk's office is open (M, W, Th & Fri from 9-5). Volunteers will work to sort through donations, hang and organize them in the free store and get rid of unwanted donations. The free store would be open the same hours that the Town Clerk's office is open and people from the community can come and take whatever items they need. There is no need to man the store as everything is free. She stated that she has already had numerous people wanting to volunteer and these volunteers would be utilized to sort and organize donations as well as re-folding clothes and re-organizing the store on a regular basis. She would ask only for clean donations in good condition but sometimes you will get garbage which she will then dispose of in the Town dumpster. If donations come dirty, she will bring them home and wash them. It would not cost the Town anything but would provide an amazing service for people in our community.

Councilmember Smith asked if there were any concerns for insurance or liability. Supervisor Teal stated that there is no additional liability because it is a public building that is already covered with insurance.

Patricia Laraway asked if we will need volunteers to help build shelves and clothing racks in the room. Town Clerk Houghtling stated that she would need help getting the room ready and would be needing volunteers to help with this. She estimates 2 months before it would be ready to open to give time to prepare the room, collect donations and get them all sorted and displayed. She will put a write up in the newsletter as far as what is needed for donations and volunteer efforts.

Supervisor Teal made a motion to allow the Town Clerk to run the "free store" out of the empty office on the second floor of the Town Hall as a trial run for 6 months at which point we will check back in with how it's working. Councilmember Smith seconded that motion.

Roll Call Vote:

Councilmember Geraldini – Absent

Councilmember Smith – Aye

Supervisor Teal – Aye

Councilmember Evans – Aye

Councilmember Baumli – Aye

Deputy CEO – authorization to use any NYS Certified CEO:

Supervisor Teal stated that she wanted to pass a Resolution that would allow Cissy Hernandez, CEO to utilize any NYS Certified CEO as a Deputy CEO until she is certified. We cannot do this because we are then vesting her with the authority to hire which we cannot do. Supervisor Teal will compile a list as comprehensive as possible and distribute it to the Town Board and they can approve an actual list that she can pull from that can always be edited moving forward.

Councilmember Smith asked what we will do in the meantime. Supervisor Teal stated that we have Dean Herrick appointed as Deputy CEO currently.

CT Male Associates Engineering, Surveying & Architecture:

Supervisor Teal stated that the CT Male proposal will go along with the Deputy CEO list to some degree as part of it is the CEO consulting. The second part of the proposal that

she has requested from them is to do a full evaluation of the new part of the Town Hall as she has found numerous things that are probably code violations while dealing with the furnace issues and the freezing pipes.

Appointments/Advertise Vacancies:

Supervisor Teal stated that we still have 3 vacancies. One is the Planning Board which is a 7 year term. We did receive a letter of interest from Monte Wasch for this vacancy. The second vacancy is on the Recreation Commission. Several months ago a resident expressed interest to Supervisor Teal in serving on the Recreation Commission. She has reached out to this resident but has not yet heard back. The third vacancy is the for the NL Representative to the Columbia County Traffic Safety Council and Matt Larabee has agreed to continue in this position for another year.

Supervisor Teal made a motion to appoint Matt Larabee as the New Lebanon Representative to the Columbia County Traffic Safety Council. Councilmember Evans seconded that motion.

Roll Call Vote:

Councilmember Geraldini – Absent
Councilmember Smith – Aye
Supervisor Teal – Aye
Councilmember Evans – Aye
Councilmember Baumli – Aye

Supervisor Teal made a motion to appoint Monte Wasch to the Planning Board. Councilmember Evans seconded that motion.

Roll Call Vote:

Councilmember Geraldini – Absent
Councilmember Smith – Nay
Supervisor Teal – Aye
Councilmember Evans – Aye
Councilmember Baumli – Nay

The motion failed.

Supervisor Teal asked if the Town Board would like to advertise again for the vacancies on the Planning Board and the Recreation Commission. The Town Board asked that Town Clerk Houghtling advertise these two vacancies in the Eastwick Press as well as the February Newsletter with letters of interest due to the Town Clerk's office by 5pm on Tuesday, February 28.

Presentation for Feb. Meeting – Greener/Cleaner Communities:

Supervisor Teal stated that she has a question for Bruce Shenker about the Capital Region Clean Energy Communities Program. She stated that her understanding as she looks through the information is that if we are looking to put solar on the Town's facilities, this program is an opportunity for funding for that. Bruce Shenker answered that it is. Supervisor Teal stated that she would like to have a presentation at the February meeting

about this program and asked the Town Board how they feel about it. She stated that she would consider solar for the Highway Garage, the Town Hall and possibly the pavilion in Shatford Park. Bruce Shenker stated that Robin Reynolds is available to come to the February meeting and present to the Town Board about this program.

Councilmember Smith asked if Robin will have information on the funding available through this program. He asked if she will have facts about the funding instead of having to apply to see if we qualify. Supervisor Teal stated that with any grant money available, you don't know if you will receive it until you apply.

Office Furniture – request to purchase 2 desks for Building Department:

Supervisor Teal requested permission to purchase 2 new desks for the Building Department Office. She stated that the current desks that they have are the metal desks from either the 1950s or the 1960s. They have no ability to handle cables from their computers, no ability for keyboards except on the desk or in the drawer.

Councilmember Smith asked how much money is being requested. Supervisor Teal stated that in the budget amendment she had asked for \$3,000 for the 2 desks but she feels that we can get them both for between \$1,500 and \$1,800.

Councilmember Smith asked if she really needs 2 desks. Supervisor Teal stated that she needs one for herself and one for her clerk. Councilmember Baumli asked if anyone has looked at used office furniture stores.

Cynthia Creech stated that the courts used to have free office furniture for anyone that needed it. She said she would look into it to see if they had anything available.

Supervisor Teal stated that we can look into the free option and also into used options as well as get some quotes on new desks and present all our options at the February meeting.

Premium Access Subscription to ICC Code for Building Department:

Supervisor Teal stated that the Premium Access Subscription for the ICC code is an online version that allows you to search and cut and paste. With what we have currently, when the building department is trying to develop the forms for notices of violations and such they actually have to import what is in the code and it is very difficult. With this subscription, they will be able to do this easily. It is \$544 for a 1 year subscription.

Supervisor Teal made a motion to approve the purchase of a 1 year subscription to the Premium Access Subscription to the ICC Code for the Building Department in the amount of \$544. Councilmember Smith seconded that motion.

Roll Call Vote:

Councilmember Geraldini – Absent
Councilmember Smith – Aye
Supervisor Teal – Aye
Councilmember Evans – Aye
Councilmember Baumli – Aye

Newsletter, 2/1/2017 next edition – submissions due Monday, 1/23/17:

Supervisor Teal stated that the next edition of the newsletter will be going out on February 1st. All submissions are due to the Town Clerk's office by the end of the day on Monday, January 23rd.

Brian Fitzgerald – Town Accountant joining new firm:

Supervisor Teal stated that our accountant, Brian Fitzgerald is joining the firm Sickler, Torcia, Allen, Churchill CPAS's, PC out of Hudson, NY. There is no change to our agreement or to the cost but only to who the voucher is payable to.

Supervisor Teal made a motion to amend the appointment of the Town Accountant to appoint Brian Fitzgerald of Sickler, Torcia, Allen, Churchill CPA's, PC as the Accountant for the Town of New Lebanon for the year 2017. Councilmember Smith seconded that motion.

Roll Call Vote:

Councilmember Geraldini – Absent
Councilmember Smith – Aye
Supervisor Teal – Aye
Councilmember Evans – Aye
Councilmember Baumli – Aye

COMMITTEE REPORTS:

Assessor (Councilmember Evans):

No report.

Broadband Committee (Supervisor Teal):

Supervisor Teal stated that Doug Banker is working right now on setting up a meeting for our local committee to meet with Charter/Spectrum. We have a new representative at Charter/Spectrum who has agreed to come out and meet with us and discuss their plans for the upgrades that we will see here in New Lebanon. Fairpoint came out to see us last month. Fairpoint has applied for fiber to the home under Cuomo's plan for every unserved and underserved lot in New Lebanon.

Building Department (Councilmember Geraldini & Councilmember Baumli):

No report.

Business & Economic Development (TBD):

No report.

CAC & Environmental Management (Deputy Supervisor Creech):

Cynthia Creech stated that the CAC continues to work on record keeping on the natural resources plan. The weather has decreased site visits slightly. David Farren stated that they are expecting the first draft of their natural resources plan from their consultant next month. They will then schedule a public forum for input from community members.

Bruce Shenker stated that there is a community forum in Hudson at the Opera House on the

29th of January. It will be a discussion of agriculture in a changing climate. There will be a professor from SUNY who is also a farmer who will talk about ways that farming can reduce carbon in the atmosphere and there will be other farmers discussing other issues involving climate and farming.

Fire, Law Enforcement & Emergency (Councilmember Smith):

No report.

Highway (Councilmember Evans & Councilmember Smith):

No report.

Historian & LVHS: (Councilmember Baumli):

Councilmember Baumli stated that the Lebanon Valley Historical Society started its local history Saturdays. Another session will take place on Saturday, January 21st from 11am – 1pm at the New Lebanon Town Hall. This session will focus on the Showboat and the Ruby. All are invited to bring in photos and mementos to share and talk about. Items from the LVHS collection will also be out to look at. Light refreshments will be served.

Justice Court/Constable (Councilmember Gerald):

No report.

Parks & Recreation (Supervisor Teal):

No report.

Seniors (Councilmember Baumli):

No report.

Town Assets, Buildings & Property (Supervisor Teal & Councilmember Gerald):

Supervisor Teal stated that the first step in an asset management plan will be a full inventory. She has been working on some of that preliminary paperwork. She will be sending out paperwork to all department heads as soon as they are finalized for them to provide a complete inventory for their department. To date, we have used a \$50 cut off for inventoried items so anything valued at less than \$50 does not get inventoried. She asked if the Town Board is comfortable with this moving forward.

County Updates:

No report.

ANNOUNCEMENTS:

Thursday, January 19th – Annual Audit of Books @ 6:00pm @ Town Hall

Tuesday, January 24th – Tri-Board Meeting @ 6:30pm @ Town Hall

Wednesday, January 25th – Veterans Exemptions Meeting @ 7:00pm @ High School Library

Tuesday, February 14th – Regular Monthly Meeting @ 7:00pm @ Town Hall

BUDGET AMENDMENT:

Budget Amendment #1 of 2017:

General Fund:

\$1,600	from A-1355.12 (Assessor: Personal Services – Reval)
\$3,156	from A-8010.1 (Zoning: Personal Services)
\$7,665	from A-8020.1 (Planning: Personal Services)
\$20,852	from A-8664.11 (Code/Zoning: Pers. Services – Clerk)
\$1,600	to A-1355.1 (Assessor: Personal Services)
\$2,146	to A-8664.1 (Code/Zoning Enforce.: Personal Services)
\$5,000	to A-8664.41 (Code/Zoning: Contract. Exp. (Dep. CEO)
\$2,500	to A-1620.1 (Buildings: Personal Services)
\$22,027	to A-1990.4 (Contingent)

A motion was made by Supervisor Teal and seconded by Councilmember Evans to approve the above noted budget amendment.

Roll Call Vote:

Councilmember Geraldini – Absent
Councilmember Smith – Aye
Supervisor Teal – Aye
Councilmember Evans – Aye
Councilmember Baumli – Aye

AUDIT OF BILLS:

2016 Bills:

**General Nos. 415 through 438, in the amount of \$18,643.40; and
Highway Nos. 145 through 151, in the amount of \$15,036.24;
As listed on Abstract No. 12A of 2016 dated January 10, 2017.**

2017 Bills:

**General Nos. 1 through 23, in the amount of \$48,361.37; and
Highway Nos. 1 through 4, in the amount of \$3,664.84;
As listed on Abstract No. 1 of 2017 dated January 10, 2017.**

A motion was made by Councilmember Evans and seconded by Supervisor Teal to pay the above noted claims from their respective accounts.

Roll Call Vote:

Councilmember Geraldini – Absent
Councilmember Smith – Aye
Supervisor Teal – Aye
Councilmember Evans – Aye
Councilmember Baumli – Aye

Councilmember Evans stated that each month a large amount is being spent on office supplies and such. He understands that sometimes you need supplies immediately but he is wondering if there is any other way that we can look for cost savings on some of these items as far as who we are purchasing them from or by going directly to their storefronts and purchasing in quantity. Town Clerk Houghtling asked if he is referring to the vouchers for Staples and WB Mason. Councilmember Evans stated yes as well as vendors such as our water distributor. Town Clerk Houghtling stated that she just switched us to

a new water distributor for a substantial cost savings. She stated that she usually price compares the bigger items between Staples and WB Mason and finds that Staples is usually cheaper. WB Mason has offered to price match Staples but the amount of time that it takes to get that price match isn't worth the savings unless you are talking about bigger items. Town Clerk Houghtling stated that we do use coupons as much as possible and this year we will see a savings in the paper products such as paper plates, coffee cups and plastic silverware as we have gone green in the kitchen and now use all real plates, cups and silverware. Town Clerk Houghtling stated that she does try to penny pinch wherever possible as she also views those bills as high. Councilmember Smith asked if we place the orders online or on the phone. Town Clerk Houghtling stated that we order online. She stated that sometimes there are great sales on items sometimes and if they are an item that we use regularly she will stock up on them when they are on sale. Cynthia Creech stated that on court nights we go through a large quantity of toilet paper, paper towels, hand soap, etc.

Erminia Rassmussen asked if we might save money by purchasing at BJ's or some other vendor. Town Clerk Houghtling stated that we do not have a Town credit card so someone would have to pay out of their pocket and wait until the next Town Board meeting to be reimbursed. With Staples and WB Mason we have an account where they invoice us monthly. Town Clerk Houghtling stated that the Town Board could consider authorizing her to obtain a Town credit card which would allow her to shop at other vendors whose prices may be lower.

Councilmember Evans made a motion to allow the Town Clerk to obtain a credit card for the Town of New Lebanon with a credit limit of \$500 for the sole purpose of purchasing office and building supplies. Councilmember Smith seconded that motion.

Roll Call Vote:

Councilmember Geraldini – Absent

Councilmember Smith – Aye

Supervisor Teal – Aye

Councilmember Evans – Aye

Councilmember Baumli – Aye

PRIVILEGE OF THE FLOOR:

Erminia Rassmussen thanked the Town Board for the microphones. She stated that it makes a world of difference to be able to hear what is being discussed at the meetings.

ADJOURNMENT:

A motion was made by Councilmember Smith and seconded by Supervisor Teal to adjourn the meeting at 9:05 p.m.

Respectfully submitted,

Tistrya Houghtling
New Lebanon Town Clerk