

**MINUTES OF THE REGULAR MEETING OF  
THE TOWN BOARD OF THE TOWN OF NEW LEBANON  
HELD ON MAY 9, 2017**

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

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

**Others Present:** Robert Smith, Planning Board Member  
JJ Smith, NL Rep to CC Office for the Aging  
Bobby Waters, LVPA  
Ted Salem, ZBA Member & ZRC Chair  
Tony Murad, ZBA Chair & ZRC Member  
Peg Munves, CAC & ZRC Member  
David Farren, CAC Member  
Judy Zimmer, Cleaner  
Cynthia Creech, Deputy Supervisor, Court Clerk,  
Rec. Commission, CAC & ZRC Member  
Jeff Winestock, Highway Superintendent  
Hazel "Cissy" Hernandez, CEO/ZEO & Bldg Dept Admin  
Bruce Shenker, NL Rep to CC Environ Mgt Council  
Steven Winkley, NY Rural Water Association  
Thaddeus Flint, *The Eastwick Press*  
Several members of the Public

**CALL TO ORDER:**

The meeting was called to order at 7:17 p.m. by Supervisor Teal. A moment of silence was followed by the flag salute.

**MINUTES:**

The minutes of the **April 11, 2017 Public Hearing on Proposed LL #1 of 2017; April 11, 2017 Regular Monthly Meeting and April 26, 2017 Special Meeting – Proposed Zoning Amendments** were reviewed. Town Clerk Houghtling stated that she is requesting an edit on the April 11, 2017 Regular Monthly Meeting to Add Peg Munves, CAC Member to the "Others Present" list. A motion was made by Supervisor Teal, seconded by Councilmember Smith and approved unanimously to accept the above noted minutes as amended.

**FINANCIAL:**

***Supervisor's Report:***

Supervisor Teal provided the public and TB members with a copy of the Supervisor's Report as of April 30, 2017. A motion was made by Councilmember Smith, seconded by Councilmember Baumli and approved unanimously to accept the Supervisor's report.

**MUNCH HEARING:**

Attorney Ferradino asked if Mr. Munch is present. There was no response. Attorney Ferradino stated that pursuant to Chapter 83 of the Town Code, there is a separate procedure for unsafe buildings wherein the property owner has to be noticed of unsafe or dangerous conditions and a hearing needs to be held before the Town Board so they can determine what action to take, if any, with regard to the proposed unsafe building. Attorney Ferradino asked Hazel "Cissy" Hernandez, CEO/ZEO to come up and provide the Town Board with some background information and answer some questions that she has so they can become familiar with the issues relating to the property so that the Town Board can make a determination about how to proceed.

Attorney Ferradino stated to Ms. Hernandez that we are going to proceed with some formality here because we are potentially affecting an owner's rights to their property so she is going to ask her some specific questions and then feel free to elaborate as much as she thinks is necessary.

Attorney Ferradino asked Ms. Hernandez to explain her position with the Town. Ms. Hernandez stated that she is the Code Enforcement Officer, Zoning Enforcement Officer, Flood Plain Administrator and Building Department Administrator. Attorney Ferradino asked if she is familiar with the property owned by Mr. Munch. Ms. Hernandez stated yes. Attorney Ferradino asked her where that property is located or how it is identified. Ms. Hernandez stated that the assessment roll doesn't list a physical number. She stated that the tax map number is 8.-1-25 and it is the parcel abutting the Walter B. Howard Elementary School on the West side. Attorney Ferradino asked if she has been to the property. Ms. Hernandez stated yes. Attorney Ferradino asked her to tell the Town Board about those visits, when they occurred and what happened. Ms. Hernandez stated that her first visit was on January 1, 2017 and that was when the roof first collapsed on the porch of the building. Attorney Ferradino asked how she knew that had occurred. Ms. Hernandez stated that she noticed it on a drive by. She stated that after the roof had collapsed, she placarded it as unsafe and posted an appearance notice on the door and then subsequently she was back on March 3, 2017 with the Town Engineer Paul McCreary and then again today prior to this hearing.

Attorney Ferradino asked Ms. Hernandez to tell her about what she observed and/or what Paul McCreary observed when they were at the property. Ms. Hernandez stated that the porch roof has collapsed and on the main structure the roof has detached from the main structure. Attorney Ferradino asked if she has pictures of this damage. Ms. Hernandez stated yes. Attorney Ferradino asked who took the pictures. Ms. Hernandez stated that she did. Ten pictures were submitted by Ms. Hernandez for the Town Board's review. Town Clerk Houghtling entered these ten pictures into the record (See Exhibit A).

Attorney Ferradino asked if Paul McCreary did anything as a result of his inspection to document the damage that he saw. Ms. Hernandez stated that Paul McCreary submitted a report. She stated that when they were there on March 3, 2017 and walked around the building, it was clear that the back door was wide open. Paul McCreary's opinion was that while he cannot commit to saying that the entire structure should be demolished, he does agree that the structure is unsafe and he recommended that, at a minimum, the porch roof be demolished and removed from the site and that all doors and windows on the lower level

be boarded up to prevent entry.

Attorney Ferradino asked what Ms. Hernandez did after inspecting the property and having Paul McCreary issue his report. Ms. Hernandez stated that an order to appear before the Town Board was issued because Mr. Munch did not appear at the first request for him to appear before the Town Board on February 14, 2017. We had to re-issue a notice to appear before the Town Board for tonight (May 9, 2017). Attorney Ferradino asked if that was the notice under Chapter 83. Ms. Hernandez stated yes. Attorney Ferradino asked how the notice was served on the property owner. Ms. Hernandez stated registered mail and they attempted to serve the owner via a process server but he could not be found. Attorney Ferradino asked if she has had any discussions with Mr. Munch about the property. Ms. Hernandez stated no. Attorney Ferradino asked if the notice requested that Mr. Munch make the property safe and secure. Ms. Hernandez stated yes. Attorney Ferradino asked if Mr. Munch signed the registered notice. Ms. Hernandez stated yes.

Attorney Ferradino asked Ms. Hernandez in her opinion what action should be taken with the property. Ms. Hernandez stated that essentially she agrees with Paul McCreary but he recommended only removing the porch roof and if you look at the pictures, if you just removed the roof, it would create another problem because the windows are attached to the roof. She stated that her recommendation would be to demolish the whole porch. Attorney Ferradino asked what she recommends in regards to securing the property. Ms. Hernandez stated that per NYS Code it needs to be boarded and secured. Attorney Ferradino asked Ms. Hernandez if there is anything else that she thinks is important for the Town Board to know. Ms. Hernandez stated she doesn't think so.

Attorney Ferradino asked if the Town Board has any questions for Ms. Hernandez. Supervisor Teal stated that Paul McCreary recommended, at a minimum, the collapsed portion of the porch roof be completely torn down and Ms. Hernandez is recommending the entire porch be removed. Ms. Hernandez stated only because if you look at the pictures, the way the porch is designed the windows would have nothing to adhere to and would be left flapping in the wind. Councilmember Smith stated what if you just took the windows out and left the concrete on the porch. He stated that he sees what Ms. Hernandez is saying that this whole part right here (pointing at picture #3 of 10) has to be removed. Supervisor Teal stated that once that is accomplished all first floor doors and windows should be securely boarded up. Ms. Hernandez stated yes.

Councilmember Evans stated that the exposed members that aren't being protected by the roof for the past 6 months or maybe more are probably at risk of not being suitable. Ms. Hernandez asked if he was referring to the main structure. Councilmember Evans stated that he is referring to the porch. He stated that this would be another reason that the whole porch should be removed.

Councilmember Baumli stated that he doesn't think it would take much to remove that porch. He thinks, as Ms. Hernandez indicated, you can take a bucket tractor of any kind down and hit those windows and it's going to bring the rest of that porch right down. There are some pillars out there by those windows, there are sections of pillars that hold that roof up. He believes if you hit them it's going to knock that whole roof off and collapse it into a pile on the porch. His question is which Munch owns that property, is it Fred Munch Jr. or Fred Munch

Sr. Ms. Hernandez stated Fred Munch Jr. Councilmember Baumli stated that he knows that Fred Munch Sr. passed away not long ago so as long as the property is in Fred Munch Jr.'s name. Councilmember Smith stated that one of the properties is in an estate. Councilmember Baumli stated the ones in Canaan are in an estate, but not this one.

Court Clerk Cynthia Creech stated that this gentleman was in court on this very piece of property and all of these things were discussed so it's not like he is unaware of this even though he may or may not have received.... Ms. Hernandez stated that is a good point. That was prior to her taking the position (as CEO/ZEO) so that was back in late fall (2016). Attorney Ferradino asked if the roof had collapsed at that point. Ms. Hernandez stated no. Court Clerk Creech stated that the whole reason he was brought to court was the condition of the property.

Supervisor Teal stated that we need to discuss how we want to proceed. Supervisor Teal made a motion to proceed based on the Code Enforcement Official's recommendation that we remove the porch completely, properly disposing of it and once that is accomplished all first floor doors and windows be securely boarded up to discourage any ease of entry.

Councilmember Baumli stated that his concern with this is that he believes that he is not paying his taxes on that property either, so for the Town to get their money back, and again he knows that the structure is unsafe, but his concern is that the Town will never get their money back for doing any work at that property. At some point he believes, because he knows that with the property in Canaan there was a public notice a month or two ago in the paper that the County was possibly starting the foreclosure process on that property. They did not start on this one in New Lebanon. Again, the ones in Canaan are owned by Fred Munch Sr. so he might want to reach out to the County to see what their intentions are with that property before we start any acts that are spending the tax payer money in New Lebanon.

Supervisor Teal asked if anyone knows how many years in arrears he is on his taxes. Councilmember Smith stated 3 years or over so any time it's going to be foreclosed and that's something when he spoke to the County Attorney is if they do end up getting that, that's something the County will pay for the minute it goes into foreclosure because it's a safety risk as well as the County at that time would also plywood off the windows and the doors. Supervisor Teal asked Councilmember Smith how he knows that it is 3 years delinquent. Councilmember Smith stated because it's online. Supervisor Teal stated that the only thing she found was 1 year. Councilmember Smith stated he looked it up and it was 3 if you click back you can go back 3 years and it said none of them were paid. Supervisor Teal asked if he is looking at actual tax bills. Councilmember Smith stated yes. Supervisor Teal asked if he called the County Treasurer. Councilmember Smith stated no. Supervisor Teal stated that if it's paid any time after June of the year that the bill goes out, it's not going to reflect on there anyway. Councilmember Smith stated that he agrees with Councilmember Baumli that we should really reach out to the County because if they are taking it soon, let them pay for it.

Supervisor Teal stated that if we put a lien on the property, once it goes into foreclosure the Town would never see the money from the lien or the costs associated with putting the lien on the property. Councilmember Baumli stated that we just went through that. We lost a property through foreclosure that we had a lien on and he doesn't think we will ever get that

back.

Supervisor Teal asked what other way can we make this facility safe in the interim. That is her biggest concern is how to make it safe. Councilmember Baumli stated that we need an estimate on how much it would cost to knock that porch down and maybe start with that. Supervisor Teal stated that we are probably looking at about \$5,000. Councilmember Smith stated it might be cheaper than that.

Councilmember Smith made a motion to table this until next month's meeting and reach out to the County and see exactly where the County is at with this property.

Ms. Hernandez asked if the Town Board would be opposed to making the decision to board it up right now and hold off on the demolition until later on. She stated that it is right next to the Elementary School and the door is wide open. Councilmember Baumli stated that would fall back on the property owner because he still owns the property so if somebody wants to they can sue him if someone gets hurt on that property. It's not the Town's responsibility.

Councilmember Smith asked Councilmember Geraldini what his take on it is. He asked if he thinks we should table it and reach out to the County because we aren't going to re-coup the money and, like Councilmember Baumli said, it's his liability, not ours. Councilmember Geraldini stated that we have already started this process, the Town has been put on notice, so now we are responsible. Councilmember Smith stated that Councilmember Geraldini brought up a good point too that once we start this, we are liable. Supervisor Teal stated we are now on notice.

Supervisor Teal asked what it would be to board it up, is that something we would have to hire out. Councilmember Smith asked how many windows there are. He asked to save money if we could just have Maintenance Superintendent Donnie Sears go down there with some plywood and screw them in on the bottom floor as that wouldn't be too costly. Supervisor Teal asked Councilmember Baumli what he thinks of that. Councilmember Baumli stated that he wouldn't touch that property. Supervisor Teal stated that we are already on notice now and if something does happen, it's not just the property owner who is liable. We have an obligation to keep it safe. Councilmember Evans asked if Donnie is insured by the Town for this job if he were to get hurt. Supervisor Teal stated that he is building maintenance and park maintenance and he is a Town employee. Attorney Ferradino stated that he would be covered.

Councilmember Smith stated that he doesn't mind boarding it up because it's only going to be a few pieces of plywood but to spend the money to demo that is ridiculous.

Supervisor Teal made a motion to have CEO/ZEO Hazel "Cissy" Hernandez reach out to Maintenance Superintendent Donnie Sears and ask if he and Maintenance worker Herb Jones can do the work to board up the first floor doors and windows and in the interim, before the next Town Board meeting, Supervisor Teal will find out how far in arrears the owner is in property taxes and talk to the County Attorney and find out what the outlook is on foreclosure and she will get an estimate on the cost to demolish the porch. Councilmember Smith seconded that motion.

Councilmember Baumli asked Supervisor Teal to ask the County if he is only one year in arrears is there something that they can do to expedite this process for this property because it is in disarray and it is only going to get worse so they probably want to take it sooner than later. Supervisor Teal stated that she doesn't know if legally they can but she will ask.

Councilmember Geraldini asked if we can look into what it would entail to put a fence around it instead of starting to tear things down because once you start tearing things down, you have to have an asbestos and lead check and to put a fence up might be a better option. Ms. Hernandez stated that they discussed that and she thinks that the Town Attorney said that if you put a fence up and somebody gets hurt on the fence we are liable. Councilmember Geraldini stated that if somebody gets hurt on any of it, we are liable.

Councilmember Evans stated that the whole structure is falling apart, we don't know the real condition of the inside either and what comes to mind is the old grade school when they put the fence to keep the bricks from falling down so we could board it up and put the fence up and that would be everything we could do to keep it safe. It is just as close to a school as the old grade school was.

Councilmember Baumli stated that a couple of months ago we were talking about a garage with a roof that was collapsing and he knows that they are starting to work on that. He saw a dump truck there. So on the Munch property, if something should happen and we do nothing then we are liable, but what about that property there, that garage with the roof collapsing and it's still sitting there. It's been there for months. He doesn't understand why the Town would be liable for any of it. Supervisor Teal stated on that one she believes it is because there is an active owner involved. Councilmember Baumli stated that he would hope that the County will take the property and if not, then he hopes Mr. Munch is well insured.

Jagat Pandey, a member of the public, stated that his main concern is safety. It is near the school. There are children involved. Do you want some kids to get hurt before the Town Board makes a decision? His main concern is that if his grandchildren are going to that school and he sees something dangerous and the Town Board is taking their time making a decision, he would be very upset. Bob Smith, Planning Board member, stated that there is a fence around the property line that is shared with the school. Timothy Laraway, a member of the public, stated that he was in that building 7 years ago and up the gable ends and the attic. Both of the gable ends are at a slant and he told the people that lived there then that he could not sleep in that house with those gable ends with 3 layers of bricks tilted in like that. There is nothing, absolutely nothing holding that up. Councilmember Smith stated that we are not talking about the house, we are talking about the porch. Ms. Hernandez stated that if children get in there and that roof gives... Timothy Laraway stated that the entire house cannot be safe. He has seen it, he has been inside of it. The roof has been leaking for over 15 years. Both gable ends are moved in and if they come down, there is nothing stopping it, that's going to the basement. School's out in a couple of months. Kids like to be exploring. If he was 10 years old, he would be in there looking for stuff. Patricia Laraway, a member of the public, stated that in September this was brought up, it's in the minutes, close to 8 months ago. There should at least be caution tape up. There is nothing. The back fence that is adjacent to the school is a wooden fence and there is a good 8 foot section that is missing. There is shattered glass presently as we speak. We should at least shovel the glass out of there. It's all over, shattered glass. There is not even caution tape to

make children think “wait a minute, am I not supposed to go in here?” It’s an open invitation. It has been brought up since September and it’s now May. Ms. Hernandez stated it has been since January. Patricia Laraway said that she brought it up in September of last year and it’s in the minutes and that was before it collapsed as that is what her concern was and now it has collapsed with glass everywhere and children running. If a child walks and gets hurt because it’s the County’s responsibility, she would love to hear what the Town Board has to say about that when somebody’s child is hurt or dead. So to make that comment is just unacceptable.

Councilmember Evans stated that he wonders how much we would be compromising the structure by demolishing the porch and then by touching are we liable for the structural integrity of the whole structure. Councilmember Smith stated that he thinks we should stick with the motion to board it up, talk to county and get quotes then revisit it next month. Councilmember Evans stated that he would like to add putting up fencing to the motion. Supervisor Teal asked if we could temporarily install snow fencing. Councilmember Evans stated that he would like to see chain link fencing put up.

J.J. Smith, NL Rep to CC Office for the Aging, asked Town Attorney Ferradino if they were to put up caution tape or temporary fencing and post it as hazardous, keep out, no trespassing, etc. would that lessen the liability of the Town at all? Attorney Ferradino stated that she doesn’t know the answer to that but her guess is for children, no. It’s an attractive nuisance. Bobby Waters, LVPA Member, stated to just keep in consideration the idea of the firemen because any abandoned building in the Town can cause a threat for a fire hazard and if that happens it is a brick building so they aren’t going to see it. Ms. Hernandez stated that she ordered code compliant placards and she notified the fire chief that the house has been declared unsafe. Judy Zimmer, Cleaner, stated that nobody wants a child to get hurt but can we find out what the minimum is that we can do right away to avoid liability.

Supervisor Teal amended her original motion have CEO/ZEO Hazel “Cissy” Hernandez reach out to Maintenance Superintendent Donnie Sears and ask if he and Maintenance worker Herb Jones can do the work to board up the first floor doors and windows and install temporary snow fencing around the house and in the interim, before the next Town Board meeting, Supervisor Teal will find out how far in arrears the owner is in property taxes and talk to the County Attorney and find out what the outlook is on foreclosure and she will get an estimate on the cost to demolish the porch and an estimate on the cost to install chain link fencing around the house. Councilmember Smith seconded that amended motion.

Roll Call Vote:

- Councilmember Gerald - Aye
- Councilmember Smith – Aye
- Supervisor Teal – Aye
- Councilmember Evans – Aye
- Councilmember Baumli – Nay

**PRESENTATION – WATER RESOURCES PROTECTION PROGRAM:**

Steven Winkley, Source Water Protection Specialist from the New York Rural Water Association made a presentation to the Town Board on the Water Resources Protection Program. He gave a handout to the Town Board members about the program. He stated

that the NY Rural Water Association is a non-profit organization based in Columbia County although they serve the entire state of New York. He does source water protection which is drinking water protection. New Lebanon is interesting in that it has 28 different public water systems in the Town but the vast majority of residents have private wells. This program is federally funded so there is no cost to the Town. They would help us to prepare a source water protection plan which is a document to plan to protect our drinking water. It's an opportunity, free of charge, to learn a whole lot about where our water comes from, what the threats may be, what the quality and quantity of it is and to plan for the future. He has done these plans for 12 Towns so far in our County. He recently finished one for the Town of Chatham and is going to start one for the Town of Canaan shortly. To sign up for the program, the Town Board must pass a resolution to participate in the program. They do ask that he works with a group of people in the community that is representative of the community which they call the planning team. It could be an existing board or representatives from each board. They want to ensure that they are not just preparing a document but that the document represents the town. He will be mapping all of the ground water resources in the town. New Lebanon is a 100% ground water community. They also map the aquifers and bedrock in Town. They produce maps that will be useful to our Planning Board and CAC and for planning for the future.

#### **PRIVILEGE OF THE FLOOR:**

**Tistrya Houghtling** stated that she wants to thank Norm Rasmussen and Kevin Smith for building the shelves up in the free store storage room and to all the volunteers, Erminia Rasmussen, Peg Munves, Louise Gilbert, Cheryl Roden and Judy Zimmer, who have come and devoted countless hours to sorting all the donations, hanging everything up and organizing the whole thing. She stated that we are officially open for business. Please come and check it out. We have a lot of stuff and thank you to all who have donated. Thank you to Attorney Ferradino for donating all the Tupperware bins and thank you to everyone else who has made it a possibility.

**Cynthia Creech** stated that she wants to praise Dan Evans not only as an excellent Town Board member but now also as a cow puncher. Sunday evening about 7:00 she had some escapees and she was standing by the roadside wondering what she was going to do and the truck pulls up and Dan Evans rolled down the window and asks if she has seen a little black puppy. She said no but she has some cows out and was going to say as soon as she gets them back in she can help and even though he was looking for his family's little dog, he asked if she needed some help. He helped move the cows right back into the field.

#### **OLD BUSINESS:**

##### ***Proposed Local Law – Solar Regulations Plus:***

Supervisor Teal stated that they have discussed the recommendations from the County Planning Board and the Attorney stated her response to those. She asked if the Town Board is comfortable with what they decided to amend based on their feedback.

Supervisor Teal made a motion to authorize the Town Attorney to make the non-substantive changes that the Town Board and Town Attorney discussed at tonight's Public Hearing based on the recommendations from the County Planning Board. Councilmember Smith seconded that motion.

Roll Call Vote:

Councilmember Gerald - Aye  
Councilmember Smith – Aye  
Supervisor Teal – Aye  
Councilmember Evans – Aye  
Councilmember Baumli – Aye

***International Truck Replacement:***

**TOWN OF NEW LEBANON**

**RESOLUTION #11, 2017**

**2018 INTERNATIONAL TRUCK PURCHASE**

**MAY 9, 2017**

At the regular monthly meeting of the New Lebanon Town Board, held at the New Lebanon Town Hall at 14755 Route 22, New Lebanon, New York, duly called and held on the 9<sup>th</sup> day of May 2017, the following resolution was put forth for enactment:

Proposed by Supervisor Colleen Teal

Seconded by Councilmember Kevin Smith Sr.

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF NEW LEBANON  
CONCERNING THE PURCHASE OF A 2018 INTERNATIONAL TRUCK**

**WHEREAS**, the Town of New Lebanon owns a 2008 International Truck that was in an accident in Storm Stella on March 14, 2017 wherein it was determined by the insurance company that it sustained a total loss; and

**WHEREAS**, the New Lebanon Town Board passed a motion at a Special Meeting of the Town Board held on April 26, 2017 to purchase a 2017 International Truck for a total price of \$207,950.00 utilizing the insurance proceeds of \$173,238.00 and utilizing \$34,712.00 from highway surplus; and

**WHEREAS**, some minor modifications to the motion need to be made to reflect the following changes: (a) the truck to be purchased is a 2018 model rather than a 2017 model and (b) the insurance proceeds are \$172,738.00 after payment of the Town's \$500.00 deductible; and

**WHEREAS**, there is a 2018 International that is comparable to the truck lost with a quote from Ben Funk of \$132,022.00 for the cab and chassis and a quote from Zwack of \$75,928.00 for the body and plow per the County of Onondaga Division of Purchase Contract Bid Ref#7823 which is valid from 6/24/2013 through 6/23/2018 for a total price of \$207,950.00; and

**WHEREAS**, the Town of New Lebanon is advised that we will receive an insurance settlement to compensate for the damage to the truck in the amount of \$172,738.00; and

**WHEREAS**, the town has decided to obtain the balance of the payment necessary for the

truck in the sum of \$35,212.00 from the highway surplus account DA-915; and

**WHEREAS**, there is a FEMA claim being made for reimbursement of the balance of \$35,212.00 which is not covered by the insurance settlement and the additional funds will be replenished to the highway surplus account DA-915 should the reimbursement occur.

**NOW, THEREFORE, BE IT RESOLVED** by the New Lebanon Town Board in the meeting duly convened on the above date that the Town will approve the purchase of a 2018 International Truck per the County of Onondaga Division of Purchase Contract for a total price of \$207,950.00 to be paid with \$172,738.00 from the insurance settlement.

**BE IT FURTHER RESOLVED** that the sum of \$35,212.00 will be allocated from the highway surplus account DA-915. In the event that the FEMA claim is granted, any funds provided by FEMA will be deposited back into the highway fund account DA-915 to replenish the sums used for the purchase of the replacement truck.

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

Roll Call Vote:

Councilmember Chuck Gerald	Aye
Councilmember Kevin Smith Sr.	Aye
Supervisor Colleen Teal	Aye
Councilmember Dan Evans	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.

***Clean Energy Communitites:***

**TOWN OF NEW LEBANON  
RESOLUTION #12, 2017  
ADOPTING AN ENERGY BENCHMARKING POLICY  
MAY 9, 2017**

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 May 2017, the following Resolution was proposed and seconded:

Resolution by Supervisor Colleen Teal  
Seconded by Councilmember Dan Evans

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF NEW LEBANON  
ADOPTING AN ENERGY BENCHMARKING POLICY FOR CERTAIN MUNICIPAL  
BUILDINGS IN THE TOWN OF NEW LEBANON**

**WHEREAS**, New York State Energy Research and Development Authority

(NYSERDA) has announced a new Clean Energy Communities program which would allow the Town access to significant grant funding to further implement clean energy actions reducing both energy costs and greenhouse gas emissions, and

**WHEREAS**, One of the Clean Energy Communities "High Impact Actions" requires the Town Board to establish a policy which mandates the public reporting of building energy benchmarking, and

**WHEREAS**, Establishing a building energy benchmarking system will benefit the Town and its residents by making available good actionable information on municipal building energy use to help identify opportunities to cut costs and reduce pollution in the Town of New Lebanon, and

**WHEREAS**, The Town Clerk has requested that the Town Board adopt a policy that directs that monthly building energy usage for all fuel types including but not limited to electricity, natural gas, fuel oil, chilled water, steam and diesel fuel be collected and formally tracked **for all buildings that are 1,000 square feet or larger that are owned or occupied by the Town**, using the EPA Portfolio Manager platform, and

**WHEREAS**, Building reports shall be made available to the Town Board in EPA Portfolio Manager regarding summary statistics for each covered property including Energy Use Intensity, annual greenhouse gas emissions, an energy performance score where available, and other descriptive information as required by EPA Portfolio Manager and for that data to be made available to the public via the internet **on an annual basis**, and

**WHEREAS**, The Town Clerk may exempt a particular covered municipal building from the benchmarking requirement if the Town Clerk determines that it has characteristics that make benchmarking impractical, and

**WHEREAS**, The Town Clerk or his/her designee shall be the administrator of this local policy and promulgate procedures necessary for the administration of the requirements of this local policy, now, therefore be it

**NOW, THEREFORE, BE IT RESOLVED** by the New Lebanon Town Board in the meeting duly convened on the above date that the policy outlined in this resolution be hereby adopted and established for the Town of New Lebanon and that the Town Clerk is directed to forward certified copies of this resolution to the appropriate Town officials.

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

Roll Call Vote:

Councilmember Chuck Gerald	Aye
Councilmember Kevin Smith Sr.	Aye
Supervisor Colleen Teal	Aye
Councilmember Dan Evans	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.

***Shaker Museum Crosswalk:***

Supervisor Teal stated that we did receive the proposal from the engineer. If we move forward with that it would be the Shaker Museum paying the cost of that. At this point it is in their hands and it is going before their board.

**NEW BUSINESS:**

***Amend Zoning for Publication of Entire Amendment Requirement:***

Supervisor Teal stated that Attorney Ferradino has a draft of an introductory Local Law removing the requirement for publication of local laws in their entirety as they are adopted. Attorney Ferradino stated that the purpose of this proposed local law would be to eliminate the publication and posting requirement. There is currently an obligation within the Town's zoning code every time you pass a local law to then publish it in its entirety after the law is adopted. She doesn't see the usefulness of that especially because all of the information is made available very quickly both on the Town's website and on the State's website and this would result in a significant cost savings in terms of publication and also staff time. If we remove that provision, then the provision that follows it would simply get renumbered to take the number of the deleted provision, so 209(f) becomes 209 (e). In section 205-15(g) there is a provision regarding periodic review of the local zoning law and it provided an obligation that every 3 years the Planning Board re-examine the provisions of the zoning code and make recommendations about changes or amendments. To her knowledge, that has not been done to date and since it is not being followed she recommends that this also be stricken.

Supervisor Teal made a motion to introduce Local Law #1 of 2017 titled "A Local Law Amending Chapter 205 of the Town Code of the Town of New Lebanon Code Entitled Zoning: Procedural Changes"; designate it as a Type I action under SEQRA; initiate coordinated review; refer it to the County Planning Board, the Town Planning Board and the Conservation Advisory Council; define the Town as the lead agency; and set the Public Hearing for Tuesday June 13, 2017 at 6:55 pm. Councilmember Evans seconded that motion.

Roll Call Vote:

Councilmember Chuck Gerald	Aye
Councilmember Kevin Smith Sr.	Aye
Supervisor Colleen Teal	Aye
Councilmember Dan Evans	Aye
Councilmember Mark Baumli	Aye

***Renumbering Local Laws:***

**TOWN OF NEW LEBANON  
RESOLUTION #13, 2017  
LOCAL LAW RENUMBERING  
MAY 9, 2017**

At the regular monthly meeting of the New Lebanon Town Board, held at the New Lebanon Town Hall at 14755 Route 22, New Lebanon, New York, duly called and held on the 9<sup>th</sup> day

of May 2017, the following resolution was put forth for enactment:

Proposed by Supervisor Colleen Teal  
Seconded by Councilmember Dan Evans

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF NEW LEBANON  
CONCERNING RENUMBERING INTRODUCTORY LOCAL LAW #1 OF 2017**

**WHEREAS**, §205-15 (E) of the Town Code currently has publication requirements which require the entirety of any amendments to the zoning code to be published in the official newspaper, which can be costly and utilizes town resources; and

**WHEREAS**, all proposed and enacted local laws and amendments to the code are published on the Town’s website, and once enacted, on the website of the Department of State; and

**WHEREAS**, the Town Board has introduced a local law to amend §205-15 to remove the requirement for publication in official newspaper of zoning local laws, amendments or other modifications which are enacted by the town board, together with other revisions to section 205-15; and

**WHEREAS**, the Town Board has been considering the enactment of an amendment to the zoning code to address solar energy systems and the cost of publication of this amendment would be significant. The town board intends to defer enactment of the solar amendment until after the amendment regarding publication.

**NOW, THEREFORE, BE IT RESOLVED** by the New Lebanon Town Board that Introductory Local Law #1 of 2017 entitled “Proposed Local Law Amending Chapter 205 Zoning of the Town Code of the Town of New Lebanon” and which previously was used to address the solar energy system amendment be renumbered as Introductory Local Law #2 of 2017, as it is intended that the changes regarding publication will be passed first and therefore will be the first local law enacted in 2017.

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

Roll Call Vote:

Councilmember Chuck Gerald	Aye
Councilmember Kevin Smith Sr.	Aye
Supervisor Colleen Teal	Aye
Councilmember Dan Evans	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.

***Census of Agriculture:***

Supervisor Teal stated that she received a notice from County Planning regarding the

2017 Agricultural Census. The Agricultural Census results are relied upon heavily by those who serve farmers and rural communities. The USDA's National Agricultural Statistics Service (NASS) is encouraging new farmers or any farm operation who thinks they may not already be on their list or who has not previously received an agricultural survey or census questionnaire to go to their website and sign up to get a census of agricultural questionnaire. They are also asking farmers to click the "make sure you are counted" button on this Agricultural Census website, <https://www.agcensus.usda.gov/>.

***Liquor Licenses:***

***Jimmy D's:***

Supervisor Teal stated that Jimmy D's liquor license is a renewal. Generally if we have no concerns we simply deem it no action required, the proper time lapses and their renewal automatically occurs.

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

Roll Call Vote:

Councilmember Chuck Gerald	Aye
Councilmember Kevin Smith Sr.	Aye
Supervisor Colleen Teal	Aye
Councilmember Dan Evans	Aye
Councilmember Mark Baumli	Aye

***Blueberry Hill:***

Supervisor Teal stated that Blueberry Hill submitted a new application for a liquor license. They have asked for a waiver of the 30 day notice period.

Supervisor Teal made a motion to waive the 30 day notice period for the Blueberry Hill Café on premise application to the NYS Liquor Authority. Councilmember Smith seconded that motion.

Roll Call Vote:

Councilmember Chuck Gerald	Aye
Councilmember Kevin Smith Sr.	Aye
Supervisor Colleen Teal	Aye
Councilmember Dan Evans	Aye
Councilmember Mark Baumli	Aye

***M&M's Taproom Summer Block Party:***

Supervisor Teal stated that M&M's Taproom is planning a summer block party. They will be closing off the parking lot at Midtown Mall and having their event in that parking lot. They are looking to park cars across the street. They are working that out with the landlord there. They will need County Sheriffs to assist in traffic control to get people safely from one parking lot to the other. In order to do that the Town will do an enhanced enforcement patrol contract with the Columbia County Sheriff Department. With that they put together a proposal of what it will cost. We then go to the owner, they give us the money and it goes in an escrow. The event occurs. We pay the County Sheriff out of that escrow and any money left over then gets returned to the owner. The event is going to run

from noon on June 24<sup>th</sup> until 2am on June 25<sup>th</sup>.

Councilmember Baumli asked if there is going to be live music outside until 2am. Supervisor Teal stated she does not know but will ask. Councilmember Baumli stated that at this point he would not support that going until 2am. He is also concerned about people safely crossing the street after dark as the lighting is not great there and cars go fast. How are they going to corral people into one area to cross the street? The parking lots are both very wide with a lot of spots people may try to cross. He thinks it's a great idea during the daylight but he doesn't support the event continuing after dark. Supervisor Teal stated that she will find answers to these questions.

***Mountain Road School:***

Supervisor Teal stated that we have two requests from Mountain Road School. They would like to get an off-premise sign and they would like to see if the Town would obtain that through the County and they would pay the cost of it.

Councilmember Smith made a motion to purchase a sign for Mountain Road School through the County with the school paying the cost to purchase it. Supervisor Teal seconded that motion.

Roll Call Vote:

Councilmember Chuck Gerald	Aye
Councilmember Kevin Smith Sr.	Aye
Supervisor Colleen Teal	Aye
Councilmember Dan Evans	Aye
Councilmember Mark Baumli	Aye

Supervisor Teal stated that Mountain Road School has a school picnic at the Pavilion in Shatford Park every year. They are scheduled for Monday, June 12<sup>th</sup> and they have asked for the fee to be waived which we have done historically for them as a not for profit school.

Supervisor Teal made a motion to waive the pavilion rental fee for Mountain Road School on Monday, June 12<sup>th</sup>, 2017. Councilmember Smith seconded that motion.

Roll Call Vote:

Councilmember Chuck Gerald	Aye
Councilmember Kevin Smith Sr.	Aye
Supervisor Colleen Teal	Aye
Councilmember Dan Evans	Aye
Councilmember Mark Baumli	Aye

***NYSLRS Resolution (NYS Retirement):***

**TOWN OF NEW LEBANON**

**RESOLUTION #14, 2017**

**STANDARD WORK DAY AND REPORTING RESOLUTION FOR 2017**

**MAY 9, 2017**

At the regular monthly meeting of the New Lebanon Town Board, held at the New Lebanon Town Hall, 14755 Route 22, New Lebanon, New York, duly called and held on the

9<sup>th</sup> day of May 2017, the following Resolution was put forth for enactment:

Proposed by Supervisor Colleen Teal

Seconded by Councilmember Kevin Smith Sr.

## Standard Work Day and Reporting Resolution for 2017

BE IT RESOLVED, that the New Lebanon Town Board hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the time keeping system records or the record of activities maintained and submitted by these officials to the clerk of this body:

Title	Name	Standard Work Day (Hrs/day)	Term Begins/Ends	Participates in Employer's Time Keeping System (Y/N)	Days/Month (based on Record of Activities)	Not Submitted
<b>Elected Officials</b>						
Highway Superintendent	Jeffrey Winestock	6	1/1/2016 – 12/31/2017	No	28.45	
Town Supervisor	Colleen Teal	6	1/1/2016 – 12/31/2017	No	37.36	
Town Clerk	Tistrya Houghtling	6	1/1/2016 – 12/31/2017	No	27.54	
Town Justice	Jessica Byrne	6	1/1/2014 – 12/31/2017	No	4.64	
Town Board	Charles Gerald	6	01/01/2014-12/31/2017	No	3.00	
Tax Collector	Tamara Darcy	6	1/1/2016 – 12/31/2017	No	3.45	
<b>Appointed Officials</b>						
Deputy Town Clerk	Marsha Robertson	6	1/1/2017-12/31/2017	Yes	timecards	
Building Department Clerk / Assessor's Clerk	Lisa Henry	6	1/1/2017-12/31/2017	Yes	timecards	
Court Clerk	Cynthia Creech	6	1/1/2017-12/31/2017	Yes	timecards	
CEO/ZEO/ Building Department Administrator	Hazel Hernandez	6	1/1/2017- 12/31/2017	No	39.04	
Animal Control Officer & Town Constable	Willard Powell	6	1/1/2017-12/31/2017	No	4.25	
Assessor	Kimberly Cammer	6	1/1/2017-12/31/2017	No	9.89	
SYP Program Director	Michelle Bienes	6	1/1/2017-12/31/2017	No	8.0	
Highway MEO	John McLaughlin	6	N/A	Yes	timecards	
Highway MEO	Todd Hover	6	N/A	Yes	timecards	
Highway MEO	Peter McCagg	6	N/A	Yes	timecards	
Deputy Court Clerk	Jennifer McKeon	6	01/01/17-12/31/17	Yes	timecards	
Park Maintenance Super.	Donald Sears	6	01/01/17-12/31/17	Yes	timecards	

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

Roll Call Vote:

Councilmember Chuck Gerald	Aye
Councilmember Kevin Smith Sr.	Aye
Supervisor Colleen Teal	Aye
Councilmember Dan Evans	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.

**COMMITTEE REPORTS:**

***Assessor (Councilmember Evans):***

No report.

***Broadband Committee (Supervisor Teal):***

Supervisor Teal stated that she finally got corrected the issue with Route 20 with Charter and Spectrum. There was an address issue where they listed it in their system as NY Route 20 so unless you called in and requested service on NY Route 20, you were told there was no service available and with the upgrade that was a significant issue. It has finally been resolved and is in their system correctly. Now if you call for service you can say US Route 20, Route 20, NY Route 20 and it will tell you that you are eligible for service.

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

Supervisor Teal stated that Town Clean Up Day is Saturday, June 3<sup>rd</sup> from 8am until 2pm. No electronics are allowed. Electronics can be brought to the Greenport Transfer Station. This year we are going to enter at the park at the entrance near the Little League fields. Have people drive through the park very slowly, staying to the right and then lining up. We will bring vehicles in as we are ready for them to unload.

***Commerce & Tourism Committee (TBD):***

Supervisor Teal stated she has re-named our Business and Economic Development Committee to a Commerce and Tourism Committee as we already have a private business and economic development committee in Town. She is open to other new names if anybody has any ideas. She has spoken to the head of the New Lebanon Economic and Business Development and suggested that one or two members from that committee could sit on the Town’s committee once it is up and established.

***CAC & Environmental Management (Deputy Supervisor Creech):***

Cynthia Creech stated that the CAC has a presentation of the Draft Natural Resources Conservation Plan on Wednesday, June 28<sup>th</sup> at 6pm at the Town Hall.

***Fire, Law Enforcement & Emergency (Councilmember Smith):***

Councilmember Smith stated there were 11 calls, 35 people and 41 1/2 man hours. There have been 40 calls to date this year. Councilmember Smith stated to Bobby Waters, LVPA Member that he would like to get started working on the budget season as soon as possible.

Bobby Waters stated that Ben Wheeler, Fire Chief already knows that. Councilmember Smith stated that this year we said that we would make sure we spent the proper time on it so there wasn't anything last minute so whenever they want to get started on it, please give him a call.

***Highway (Councilmember Evans & Councilmember Smith):***

Supervisor Teal stated that we did get an update on funding. CHIPS is still the \$108,270.49 that we generally get but in addition we will be getting \$20,854.45 for extreme winter recovery and an additional \$24,713.82 for PAVE NY. That will bring our total up from \$108,270.49 to \$153,838.76.

***Historian & LVHS: (Councilmember Baumli):***

No report.

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

No report.

***Parks & Recreation (Councilmember Smith):***

Councilmember Smith stated that he is waiting on Town Engineer Paul McCreary to get us an engineering proposal for the basketball court and park pavilion which we will hopefully have by next month.

***Seniors (Councilmember Baumli):***

No report.

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

No report.

***County Updates:***

Supervisor Teal stated that she has a meeting tomorrow at County. Part of the State budget requires countywide shared services initiative which requires the creation of a committee chaired by the chairman of the Board of Supervisors. Every Supervisor has to sit on it as well as every Village and City Mayor. Schools and BOCES are invited but not required. We must find ways to share services and document training and file that plan with the State by August of 2017.

**ANNOUNCEMENTS:**

Tuesday, May 16<sup>th</sup> ~ Vote on Proposed School Renovations and School Budget @ Walter B.

Howard Elementary School from 12:00 noon to 9:00 pm

Saturday, June 3<sup>rd</sup> ~ Town Clean-up Day @ Town Highway Garage from 8:00 am to 2:00 pm

Tuesday, June 13<sup>th</sup> ~ Public Hearing on Proposed LL#1 of 2017 @ Town Hall @ 6:55 p.m.

Tuesday, June 13<sup>th</sup> ~ Regular Monthly Town Board Meeting @ Town Hall @ 7:00 p.m.

Saturday, June 17<sup>th</sup> ~ CC Hazardous Household Waste Collection @ County Highway  
Garage

Sunday, June 18<sup>th</sup> ~ Music in the Park @ Shatford Park from 1:30 – 4:30 pm

Wednesday, June 28<sup>th</sup> ~ CAC Presentation of the Draft Natural Resources Conservation  
Plan @ Town Hall @ 6:00 pm

**BUDGET AMENDMENT:**

**Budget Amendment #5 of 2017:**

**General Fund:**

\$1,400 from A-1990.4 (Contingency)  
\$700 to A-8010.2 (Zoning: Equipment)  
\$700 to A-8020.2 (Planning: Equipment)

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

Roll Call Vote:

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

**CDPHP VOUCHER:**

Supervisor Teal stated that we have a CDPHP bill that did not arrive yet so it is not in the vouchers. She would like Town Board authorization to pay it on an interim abstract as soon as it arrives.

Councilmember Smith made a motion authorizing Supervisor Teal to pay the CDPHP bill when it arrives on an interim voucher. Councilmember Baumli seconded that motion.

Roll Call Vote:

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

**AUDIT OF BILLS:**

**General No. 134, in the amount of \$371.20;  
As listed on Abstract No. 4A of 2017 dated May 9, 2017; and**

**General Nos. 135 through 161, in the amount of \$24,184.11;  
Highway Nos. 39 through 52, in the amount of \$43,517.91; and  
Escrow Nos. E17-1 through E17-4, in the amount of \$6,629.64;  
As listed on Abstract No. 5 of 2017 dated May 9, 2017.**

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

Roll Call Vote:

Councilmember Geraldini – Aye  
Councilmember Smith – Aye

Supervisor Teal – Aye  
Councilmember Evans – Aye  
Councilmember Baumli – Aye

**ADJOURNMENT:**

A motion was made by Supervisor Teal and seconded by Councilmember Geraldini to adjourn the meeting at 9:12 p.m.

Respectfully submitted,

Tistrya Houghtling  
New Lebanon Town Clerk

**EXHIBIT**

**A**

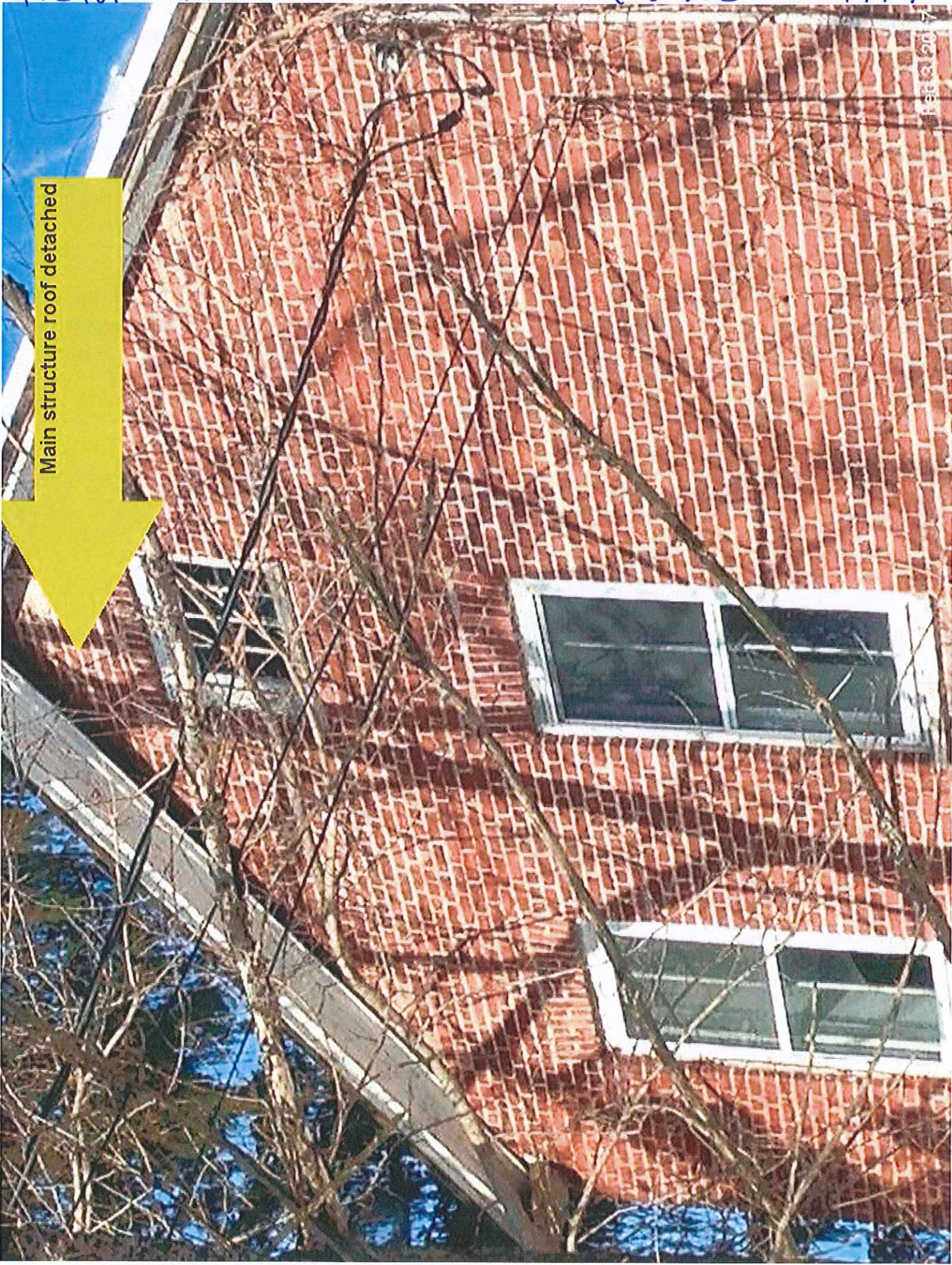
**THIS STRUCTURE IS  
UNSAFE AND ITS  
OCCUPANCY HAS BEEN  
PROHIBITED BY THE CODE  
ENFORCEMENT OFFICIAL**

*5/9/17*

Picture # 2 of 10

recorded 5/19/17

Main structure roof detached



Picture #3 of 10

recorded

5/19/17



Picture #4 of 10

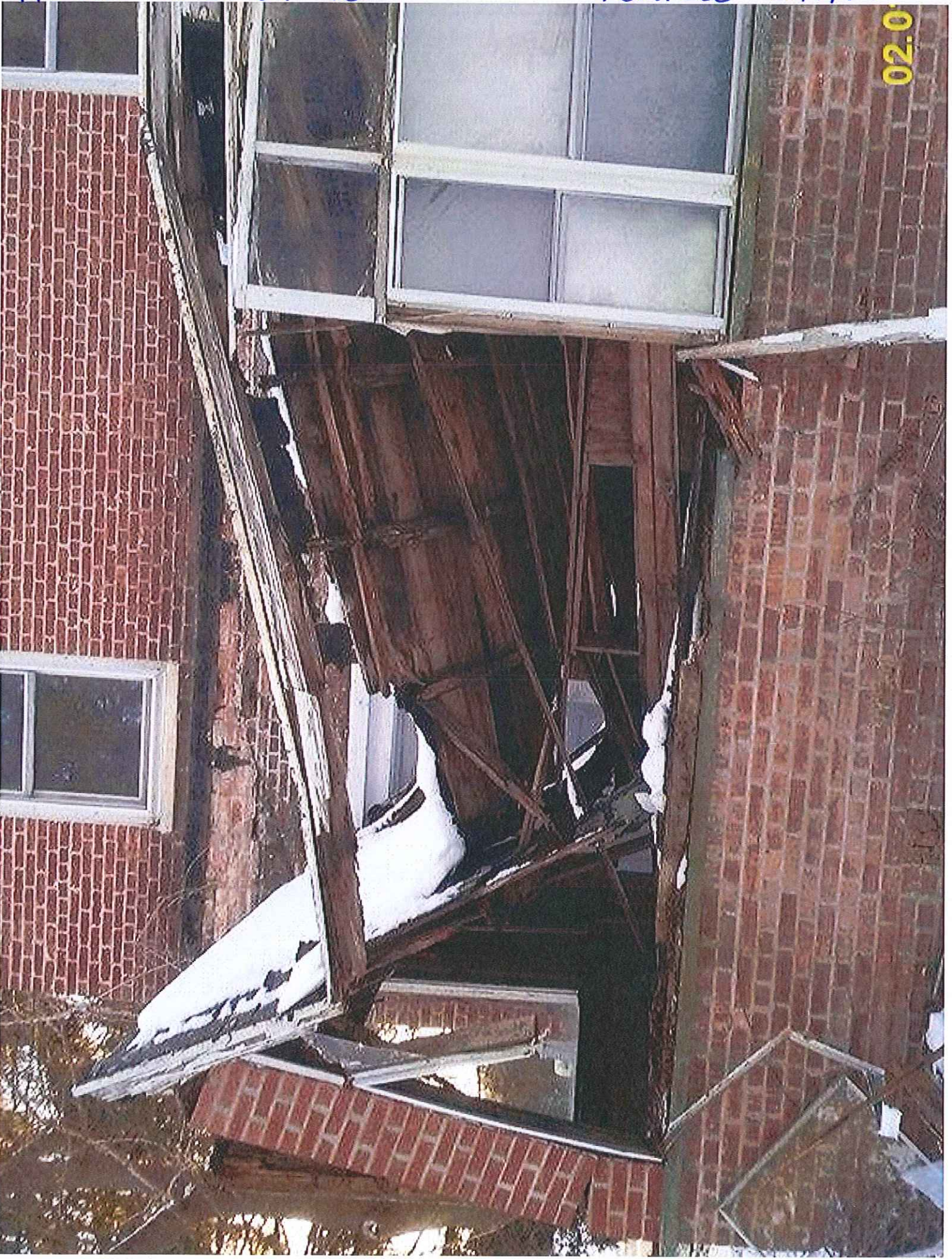
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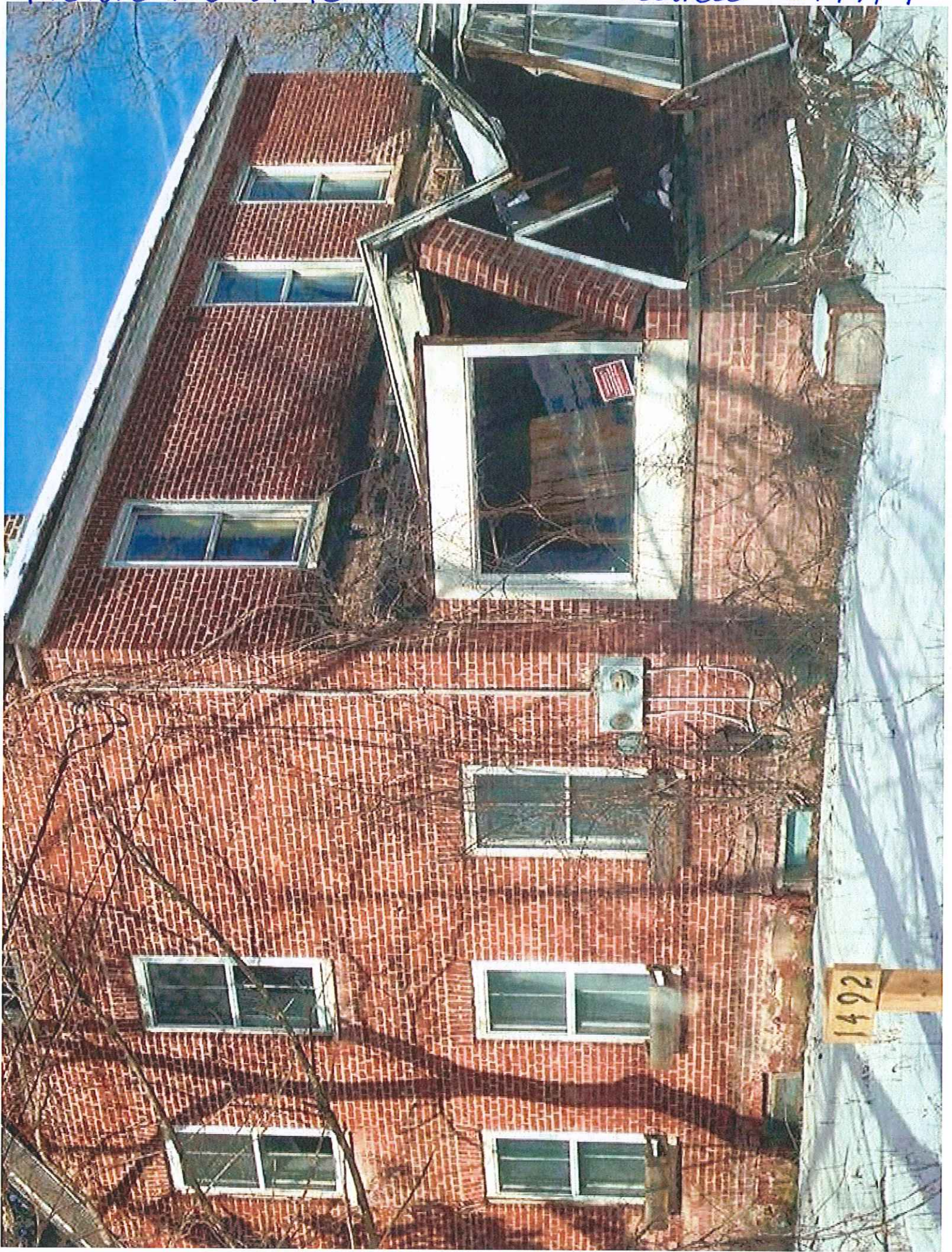


Picture #5 of 10

recorded 5/19/17

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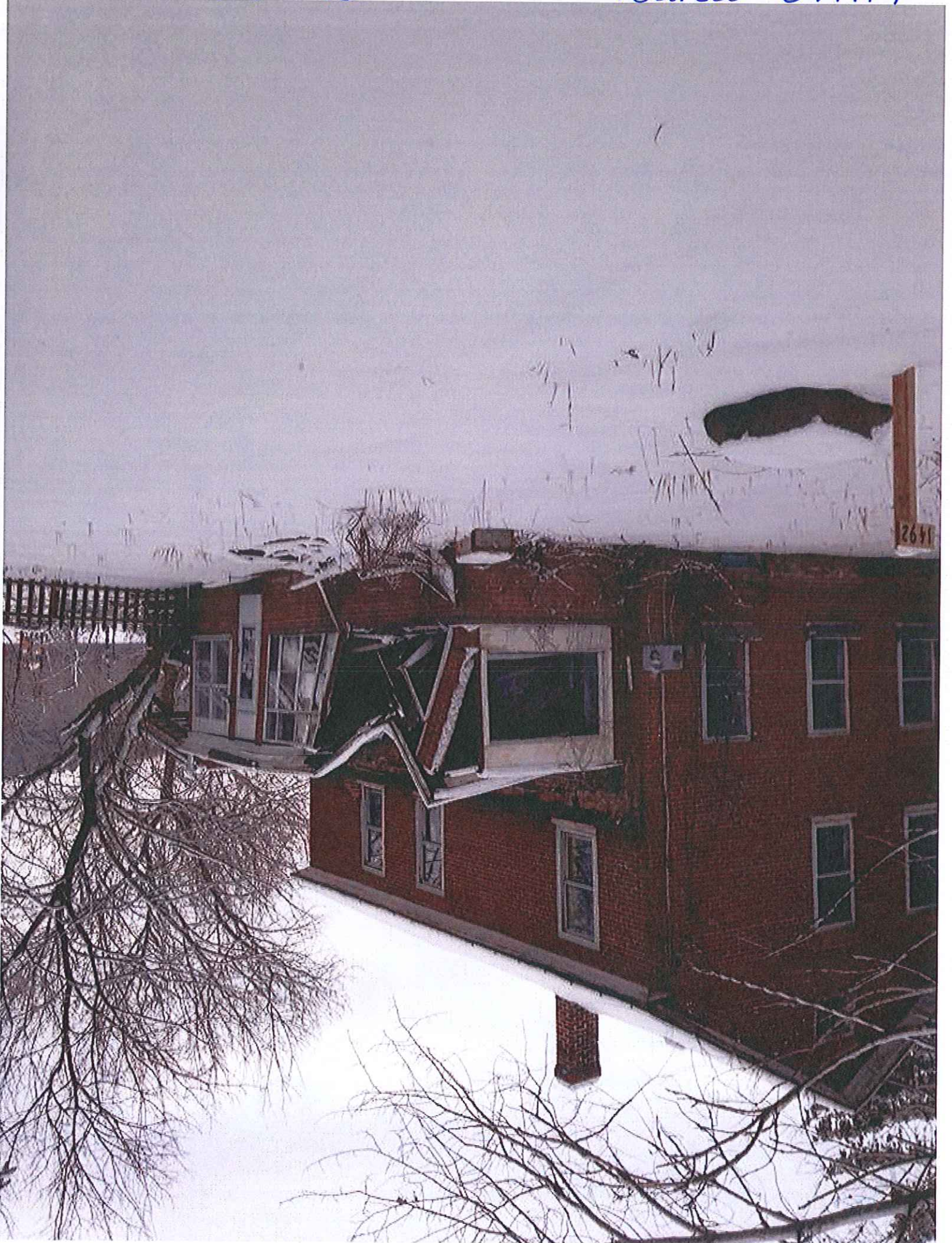




1492

Picture # 7 of 10

recorded 5/19/17



Picture #8 of 10

recorded 5/9/17



May 9, 2017

Picture #9 of 10

recorded 5/9/17



May 9, 2017

Picture #10 of 10

recorded 5/9/17

