

**MINUTES OF THE REGULAR MEETING OF  
THE TOWN BOARD OF THE TOWN OF NEW LEBANON  
HELD ON JUNE 13, 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:** Ed Godfroy, LVPA  
JJ Smith, NL Rep to CC Office for the Aging  
Bobby Waters, LVPA  
Robert Smith, Planning Board Member  
Ted Salem, ZBA Member & ZRC Chair  
Gregg Gilliland, LVPA  
Peg Munves, CAC & ZRC Member  
Judy Zimmer, Cleaner  
Cynthia Creech, Deputy Supervisor, Court Clerk,  
Rec. Commission, CAC & ZRC Member  
Jeff Winestock, Highway Superintendent  
Thaddeus Flint, *The Eastwick Press*  
Several members of the Public

**CALL TO ORDER:**

The meeting was called to order at 7:03 p.m. by Supervisor Teal. A moment of silence was followed by the flag salute.

**MINUTES:**

The minutes of the **May 9, 2017 Public Hearing on Proposed LL #1 of 2017 and May 9, 2017 Regular Monthly Meeting** were reviewed. Supervisor Teal requested an edit on the minutes of the May 9, 2017 Public Hearing on Proposed LL #1 of 2017 to rename it Public Hearing on Proposed LL #2 of 2017 as it has been renumbered. Town Clerk Houghtling stated that it was not renumbered until the Regular Meeting on May 9 which was after the Public Hearing so for the Public Hearing it still was Proposed LL #1 of 2017. Attorney Ferradino requested that the minutes state that it was renumbered Proposed LL #2 of 2017 at the May 9, 2017 Regular Monthly Meeting in parenthesis so as to avoid confusion. Town Clerk Houghtling stated that in the May 9, 2017 Regular Monthly Meeting minutes Attorney Ferradino had suggested a few grammatical changes in the portion on the Munch Hearing that she is requesting to be amended. Town Clerk Houghtling also stated that there were two typographical errors in the Retirement Resolution with the Deputy Town Clerk's term and the Assessor's term listed incorrectly that she is requesting to be amended. A motion was made by Supervisor Teal, seconded by Councilmember Evans 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 May 31, 2017. A motion was made by Councilmember Smith, seconded by Councilmember Evans and approved unanimously to accept the Supervisor's report.

**PRIVILEGE OF THE FLOOR:**

**Timothy Laraway** asked who the current Ethics Board members are. Town Clerk Houghtling stated that she would email them to him. He asked when the lines on Route 20 are going to be painted. Supervisor Teal stated that the work order is in but they do not have a definite date yet. He stated that 848 Route 20 is an eyesore that he has been looking at for years now. It is half sided, half insulated, half roofed. He is wondering why it is taking so long to work on that house. Councilmember Smith stated that he should contact the Building Department for that. Mr. Laraway stated that he wants to bring it to the Town Board's attention. Mr. Laraway asked Councilmember Smith why he is taking pictures of his house. Town Attorney Ferradino stated that Privilege of the Floor is just an opportunity for the public to raise issues. It is not necessary for the Town Board to respond. Mr. Laraway submitted a picture to the Town Supervisor.

**Jagat Pandey** stated that he would like to increase the term of the Town Supervisor, Town Clerk, Tax Collector and Highway Superintendent from a 2 year term to a 4 year term. He asked how to increase these terms. Supervisor Teal stated that for all the positions except Town Supervisor it would go out to a vote to the public. For Town Supervisor there is a different process that must be followed. Town Clerk stated that she would look into it and get an answer to him.

**Tom Gerety** stated that Attorney Ferradino made a ruling that Councilmember Smith should not answer Mr. Laraway's questions but then Supervisor Teal answered Mr. Pandey's questions. He asked for clarification if Privilege of the Floor is a Q&A or a public comment period. Attorney Ferradino stated that it is a public comment period and the Town Board members may respond if they so desire but they do not need to respond.

**OLD BUSINESS:**

***Proposed Local Law #1 of 2017: Zoning Amendment – Procedural Requirements:***

Supervisor Teal stated that all necessary agencies have been notified and have been given the opportunity to respond. The next step is for us to complete part 2 of SEQR. Supervisor Teal went through all of the questions on SEQR Part II with the Town Board and answered "no" to all the questions. Attorney Ferradino stated that we would only go to Part III if we had found that there were large or important impacts noted.

Supervisor Teal made a motion to make a negative declaration in accordance with Article 8 of the Environmental Conservation Law because it has been determined that there are no significant environmental impacts of this action. The motion was seconded by Councilmember Smith.

Roll Call Vote:

Councilmember Geraldini – Aye

Councilmember Smith – Aye

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

**TOWN OF NEW LEBANON**

**RESOLUTION #15, 2017 – ENACTMENT OF LL #1, 2017 – AMENDING CHAPTER §205 OF THE TOWN CODE OF THE TOWN OF NEW LEBANON ENTITLED “ZONING: PROCEDURAL CHANGES”**

**JUNE 13, 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 13<sup>th</sup> day of June 2017, the following Resolution was put forth for enactment:

**PROPOSED BY SUPERVISOR TEAL  
SECONDED BY COUNCILMEMBER EVANS**

**ENACTMENT OF LOCAL LAW NO. 1 OF 2017: AMENDING CHAPTER §205 OF THE TOWN CODE OF THE TOWN OF NEW LEBANON ENTITLED “ZONING: PROCEDURAL CHANGES”**

**Section 1. Name of Local Law**

This local law shall be referred to as “A Local Law amending Chapter 205 of the Code of the Town of New Lebanon entitled “Zoning: Procedural Changes.”

**Section 2. Findings and Intent**

The Town of New Lebanon seeks to repeal and renumber provisions of the existing code in order to provide for a more efficient, cost effective means of passage of modifications to the Zoning Code and to repeal a provision pertaining to planning board review of the zoning code. The town seeks to delete provisions which require publication and posting of amendments or changes to local laws pertaining to zoning after they are adopted, as updated processes pertaining to new local laws makes them readily available online and provides a more cost-effective means of dissemination of information by the town. The section pertaining to protest petition which follows the deleted publication provision has been renumbered. The provision pertaining to periodic review of the zoning code is also proposed to be repealed.

**Section 3. Authority**

This Local Law is enacted pursuant to the authority of Section 10 of the New York State Municipal Home Rule Law.

**Section 4. Enactment**

This Local Law amends Chapter 205 Zoning by repealing §205-15 (E) and §205-15 (G) and by renumbering §205-15 (F) to §205-15 (E). This Local Law is adopted pursuant to the provisions of the Municipal Home Rule Law.

Be it enacted by the Town Board of the Town of New Lebanon that Sections 205-15 (E) entitled Publication and Posting and §205-15 (G) entitled Periodic Review of Zoning Local Law are hereby repealed and deleted in their entirety and former §205-15 (F) entitled Protest Petition is hereby

renumbered §205-15 (E) Protest Petition, as amended below:

**§205-15 Amendments.**

**§205-15 (E) Publication and Posting** is repealed and deleted.

~~§205-15 (E) Publication and Posting. Every amendment to the Zoning Local Law, including any map incorporated therein, adopted in accordance with the Town Law shall be entered in the minutes of the Town Board and a copy thereof, exclusive of any map incorporated therein, shall be published once in the official newspaper of the Town, and a copy of such amendment, together with a copy of any map incorporated there, shall be posted on a signboard maintained by the Town Clerk pursuant to Subdivision 6 of § 30 of the Town Law. Affidavits of the publication and posting thereof shall be filed with the Town Clerk.~~

**§205-15 (F) Protest Petition** is renumbered and relettered §205-15 (E):

**§205-15 (E) Protest Petition.** If a protest against a proposed amendment, supplement or change is presented to the Town Board, duly signed and acknowledged by the owners of 20% or more of the area of the land included in such proposed change or by the owners of 20% or more of the land immediately adjacent extending 100 feet therefrom or by the owners of 20% or more of land directly opposite thereto extending 100 feet from the street frontage of such opposite land, such amendment shall not be passed except by the favorable vote of four members of the Town Board.

**§205-15 (G) Periodic Review of Zoning Local Law** is repealed and deleted.

~~§205-15 (G) Periodic review of Zoning Local Law. From time to time, at intervals of not more than three years, the Planning Board shall reexamine the provisions of this chapter and the location of district boundary lines and shall submit a report to the Town Board recommending such changes or amendments, if any, which may be desirable in the interest of public safety, health, convenience, necessity or the general welfare.~~

**Section 5. Severability**

If any part or provision of this local law is judged invalid by any Court of competent jurisdiction, such judgment shall be confined in application to the part of provision directly on which judgment shall have been rendered and shall not affect or impair the validity of the remainder of this law or the application thereof to other persons or circumstances. The Town hereby declares that it would have enacted the remainder of this law even without such part of provision or application.

**Section 6. Effective Date**

This local law shall take effect immediately upon filing with the New York State Secretary of State pursuant to the New York State Municipal Home Rule Law.

**Section 7. Supersession.**

To the extent this local law is inconsistent with any state statutes or regulations, it is the intention of this local law to supersede such statutes or regulations. This supersession applies with respect to Article 16 of the New York Town Law, including but not limited to Town Law §264, including §264(1), and Town

Law §265. This local law and the supersession provided for herein is adopted pursuant to Municipal Home Rule law Article 2, Section 10, including but not limited to sections §10(1)(ii)(d)(3), §10(1)(ii)(a)(14), and Municipal Home Rule law §22 to supersede any inconsistent authority.

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

Roll Call Vote:

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

***Proposed Local Law #2 of 2017: Zoning Amendment – Solar Plus:***

Supervisor Teal stated that we have been advised by legal counsel to not enact the law on solar tonight as we just enacted LL #1 of 2017 and we would still be required to do the publication. She tabled proposed LL # 2 of 2017 to the July meeting.

***Munch Property – Quotes: Fencing & Demolition:***

Supervisor Teal stated that at the last meeting the Town Board had determined that they wanted to secure the site at the Munch property. The maintenance staff has boarded up all the first floor doors and windows and surrounded the house with snow fencing. We have quotes for demolition of the porch and quotes for installing a 6 foot chain link fence. This property was 1 year in arrears on taxes from 2016 with penalties and interest for a total of \$3,378.00. The taxes just went back to the County Treasurer and 2017 were not paid, a total of \$2,842.00 through May 31<sup>st</sup>, 2017. This is only the second year in arrears on taxes so we are not looking at an imminent foreclosure by the County. Supervisor Teal stated that the costs incurred by the Town to make this property safe will be added to the property tax bill for 2018. The County makes the Town whole for unpaid taxes, so the Town will get reimbursed for any expenses incurred to make the property safe in 2018.

Town Clerk Houghtling stated that she received 3 quotes for a 6 foot high temporary chain link fence to be installed around the building, 20 feet out on each side, with a 10 foot entry gate for emergency access. Siena Fence Company provided a quote for \$2,770. This quote stays the same whether the fence stays up for 6 months or 3 years. AFSCO Fence Company provided a quote for \$3,990. This quote stays the same whether the fence stays up for 6 months or 3 years. Berkshire Fence Company provided a quote for \$2,240 for the first year and \$1,112 for each additional year that the fence stays up.

Town Clerk Houghtling stated that she received 3 quotes for the demolition of the porch from the bottom of the windowsills up. Darcy Construction provided a quote for \$2,650. Lebanon Springs Excavating provided a quote for \$2,490. D&J Excavating provided an estimate of 8-10 hours at their contracted rate with the Town of \$90.00 per hour and with the Town providing the dumpster which will cost around \$300.

Supervisor Teal stated that the CEO suggested that we put up the fence and not do the porch demolition as there is some concern about messing with the integrity of the main structure by taking down the porch. Councilmember Smith stated that he thinks we should demolish the porch and put up the fence as it looks in disrepair. Ed Godfroy stated that if you start disturbing where the roof of the porch is attached to the building, you may weaken the facade and the structural elements of the side of the building and you may start a building collapse that isn't there now. Councilmember Geraldini stated that working with an excavator is not an exact science and you may inadvertently hit the building. Councilmember Evans stated that we do not know how the building will act if you demolish the porch. Councilmember Baumli asked if we have the right to go onto Munch's property and does he have any legal recourse to come back at the Town for us being on his property. Supervisor Teal stated that we are allowed to go on his property as it is a safety issue and he has been noticed and given an opportunity to speak to the Town Board about it at the hearing held last month.

Supervisor Teal made a motion to accept the quote from Siena Fence Company in the amount of \$2,770, not do any demolition of the porch, and ask legal counsel to proceed with the necessary paperwork and process to have this along with the costs of what we have done to date to make the structure safe assessed as a tax lien on the property. Councilmember Smith seconded that motion.

Roll Call Vote:

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

***M&M Taproom Summer Block Party - update:***

Supervisor Teal stated that she followed up with Mike Munsinger on the questions the Town Board had at last month's meeting. All outdoor entertainment will cease at 10pm. There is a DJ that will go later than 10pm, but that will be inside the restaurant. The cost for the Sherriff's is \$1,170.48 and this money will be put into an escrow account with the Town by Tuesday of next week. The other concerns regarding parking, insurance and staffing are all being negotiated with the abutting owners and it is all moving along perfectly well.

Councilmember Baumli stated that his concern is that he has planned this event for months but he doesn't have the information that we need to make a decision at this Board meeting tonight. He doesn't have the escrow money deposited with the Town yet. We have nothing in writing from the property owner across the street stating that he is providing parking for the event. Councilmember Baumli stated that he spoke at last month's meeting and he was in favor of this event as long as everything was done properly, but he does not see things being done properly. He is concerned that this could turn into a disaster. Councilmember Smith stated that someone had said the Town was going to allow parking in Shatford Park with a shuttle bus and that is not true. The park cannot be used for any type of parking for this event.

Cynthia Creech stated that there have already been concerns about parking at the Gallup Inn for the farmer's market which is a lot fewer cars than this event so this is a valid concern.

Supervisor Teal stated that he does have secondary parking set up at Tilden Plaza as well. Councilmember Baumli asked if he has it in writing in a contract. Supervisor Teal stated she does not think the Town has the authority to demand that they negotiate a contract. Councilmember Baumli stated that we have the authority to make sure that things are done properly so that we don't have 600 cars parked up and down Route 20 or on people's private property. He stated that this event is definitely going to impact our community and the person holding this event has not even shown up at a Town Board meeting to answer questions that the Town Board members might have. Councilmember Baumli stated that at this point he is not in favor of allowing the event. Councilmember Smith stated that right now there is no permit needed from the Town. Maybe we should look at implementing legislation that any large event has to come before the Town for approval so that we can ensure that everything is being done properly. Right now there are no rules or regulations for an event unless you are having in excess of 1,000 people.

Councilmember Baumli asked when we have to pay the Columbia County Sherriff for the traffic control for this event. Supervisor Teal stated it doesn't get paid until after the event and they will not be dispatched if we do not have the money deposited in an escrow account in advance of the event. Councilmember Evans stated that things tend to run pretty well when the government stays out of it. If it becomes an issue, then we might want to consider enacting something. Gregg Gilliland of the LVPA stated that they did not hear about the event until a week ago and the person putting on the event should have notified the LVPA more in advance of an event such as this.

***Clean-up Day Follow up:***

Supervisor Teal stated that clean-up day went great this year. The County is requesting that we consider moving our clean-up day to the Spring or Fall as they are very busy in June and getting us the dumpsters we need is difficult. Supervisor Teal stated that she would like to consider the Fall as in the Spring she has not had time to clean out her stuff yet. Councilmember Smith stated that in the Spring people are more apt to be cleaning out their stuff for the Summer. Councilmember Evans stated that Spring cleaning would work better in his opinion. The Town Board agreed to go ahead with holding the clean-up day in the Spring next year.

***Source Water Protection Resolution:***

**TOWN OF NEW LEBANON  
RESOLUTION #16, 2017  
SOURCE WATER PROTECTION PROGRAM  
JUNE 13, 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 13<sup>th</sup> day of June 2017, the following resolution was put forth for enactment:

Proposed by Supervisor Teal  
Seconded by Councilmember Evans

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF NEW LEBANON TO PARTICIPATE IN THE NEW YORK RURAL WATER ASSOCIATION (NYRWA) SOURCE**

## **WATER PROTECTION PROGRAM**

**WHEREAS**, the NYRWA's federally-funded Source Water Protection Program provides technical assistance at no charge to rural and small communities for the development and implementation of local source water protection plans designed to prevent the deterioration of water resources used for drinking water; and

**WHEREAS**, NYRWA's Source Water Protection Specialist is qualified and available to assist the Town of New Lebanon with developing a source water protection plan that involves the following elements: defining the water supply resources to be protected; identifying potential threats to the quality and quantity of drinking water resources; recommending and implementing measures to reduce threats to drinking water resources; and planning for the future, including water supply emergency events; and

**WHEREAS**, the Town of New Lebanon seeks to further develop its water resources planning and management strategies in order to protect drinking water resources;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town of New Lebanon will take the following steps to develop and implement a source water protection plan:

- With the help of NYRWA, hold a source water protection workshop with invited representatives from governmental entities that have the authority (or potential authority) to protect source water in the planning area;
- Form an advisory planning team/committee to include one or more Town board members, representatives from other Town boards and committees, representatives of other government entities in the planning area, etc.;
- Work with the NYRWA Source Water Protection Specialist to identify water supply resources and potential threats;
- Recommend and implement management strategies to protect identified water sources;
- Review and approve a source water protection plan; and
- Periodically review and update the source water protection plan as necessary.

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

Roll Call Vote:

Councilmember Gerald – Aye  
Councilmember Smith – Aye  
Supervisor Teal – Aye  
Councilmember Evans – Aye  
Councilmember 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.

***Engineering Proposals – Basketball Courts & Pavilion:***

Supervisor Teal stated that we received two quotes from Town Engineer Paul McCreary for the basketball courts and pavilion in the Park. The quotes are for engineering services only. The basketball court quote came in at \$2,400. The pavilion quote came in at \$3,200. The pavilion quote includes engineering the resurfacing under the pavilion as well as engineering the repairs to the leaks in the roof vent.

Councilmember Smith stated that he spoke with Paul McCreary about both quotes. We have no original plans for the pavilion. Our goal is to slope the outer sides and patch and seal the inside and replace the ridge cap with a wider piece of aluminum. He feels that the pavilion is a waste of money to pay for engineering services. He suggests just putting together a scope of work ourselves and going out to bid on the actual repair work.

Councilmember Evans stated that from past experience on the Board working on a project like this, for example the tennis courts, they worked up a scope of work, critiqued it, altered it, got something that they all agreed on, and the only piece that they were missing was the construction inspection aspect when they went to contract. That's provided in the engineering quotes. They learned from their mistake last time that they needed something like that. Councilmember Smith stated that he is going to meet with some people who do concrete work and table the engineering quote on the pavilion until after he meets with them and gets more information on what the job entails.

Councilmember Smith stated that on the basketball courts he would like to see the work done in September after school starts up again. He spoke with Paul McCreary who stated that he will be there for every step of construction. Town Clerk Houghtling stated that in the quote under the section construction inspection it states that only 2 field visits are anticipated, an inspection early on during the construction and a pre-final inspection. This is an area that we were lacking with the tennis courts.

Supervisor Teal made a motion to accept the quote from Paul McCreary for engineering services on the basketball court construction subject to the quote including additionally a final inspection on top of those listed. Councilmember Smith seconded that motion.

Roll Call Vote:

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

***Music in the Park - update:***

Supervisor Teal stated that the first music in the park is this Sunday, June 18<sup>th</sup> from 1:30 until 4:30 at Shatford Park pavilion.

***Recreation Commission (Proposed LL – Resolution for 7 members):***

Supervisor Teal asked Attorney Ferradino if there is any issue with the fact that the Recreation Commission was originally established by resolution. Attorney Ferradino stated that it is listed in our Town code as a local law and therefore would need to be changed by a local law. Supervisor Teal stated that our Town code is local laws and resolutions and the Recreation Commission was originally established by a resolution, not a local law. Attorney Ferradino stated that it needs to be enacted by a local law.

***Smoke-Free Park Resolution & Signage:***

Supervisor Teal stated that a resolution was passed in 2012 designating certain areas in the park where children play as smoke-free areas and signage was ordered, but never hung in the park. At this point we need to decide if we are going to follow through on the resolution and put up the signage or repeal the resolution. Supervisor Teal stated that she has a letter from a resident opposing putting the signs up in the park and she has a letter from another resident supporting putting the signs up.

Councilmember Evans stated that he looked at the signs that were printed and he reviewed the resolution that was passed and it seems that the smoke-free park signs are not in line with the resolution as the resolution specifies certain smoke-free zones in the park, not the entire park being smoke-free. He would be in support of posting the signs that are relevant to the resolution that was passed.

Supervisor Teal stated that she is in support of posting the smoke-free signs in areas where children play, specifically the playground, the ballfields and the pavilion. Councilmember Smith stated that he is also in support of posting the smoke-free signs in areas where children play. The Town Board agreed that we that we would have the park staff hang all the smoke-free signs that were printed with the exception of the smoke-free park and smoke-free picnic area signs.

One member of the public spoke in opposition to hanging smoke-free signs in the park. Two members of the public spoke in favor of hanging smoke-free signs in the areas where children play in the park.

***Tazmutt MHP License Renewal Extension:***

Supervisor Teal stated that she has spoken with the building department administrator and due to the weather, Tazmutt MHP has not had the ability to meet the deadline of 7/1/17 that the Town Board had set to complete repairs to the structure needing repairs on the property.

Supervisor Teal made a motion to extend the conditional approval for Tazmutt's Mobile Home Park license to 9/1/17 with all repairs needing to be completed and a successful inspection by the CEO on or before that date. Councilmember Smith seconded that motion.

Roll Call Vote:

Councilmember Geraldini – Aye  
Councilmember Smith – Aye  
Supervisor Teal – Aye

Councilmember Evans – Aye  
Councilmember Baumli – Aye

**NEW BUSINESS:**

***LVPA – Fire District:***

Gregg Gilliland of the LVPA stated that they are in a discussion with their attorney about possibly turning the Association into a Fire District. They met with their attorney who did a presentation for their directors. Becoming a Fire District would remove some of the authority from the department and put it back on the townspeople. A lot of stuff could be bonded if they were a district. A lot of stuff would go out to referendum. Right now if they want to buy a new piece of equipment, the Town has no say. If you go to a district, it has to go to a vote and a referendum and the Town decides. Their attorney is willing to come to a Town Board meeting to do a presentation.

Supervisor Teal stated that the last time she communicated with their attorney there was a significant misunderstanding as to how that process occurs. She stated that it either has to be a Town Board action to give up that responsibility or there has to be a petition that is signed by primary residence owners in New Lebanon and the full number of signatures has to exceed 50% of the total assessed value of the entire Town. She stated that this Town Board has already expressed that they are not comfortable making that decision. The first question they asked of legal counsel was if this can go to referendum and they were told no.

Ed Godfroy of the LVPA stated that they discussed this with their attorney and he said there are two ways to do it. If you call it a referendum, you have to abide by those laws but if you call it an opinion poll it's okay. Supervisor Teal stated that we are not allowed to do an opinion poll because there is a cost to doing an opinion poll. They are not allowed to do a referendum or an opinion poll in this case, but instead the Town Board is obligated to make this decision on the Town's behalf. The Town is not allowed to spend the money to ask the townspeople this question. Ed Godfroy stated that before they continue spending any more money on this issue with their attorney, their main question tonight is does this Town Board want to continue with the research of fire district?

Councilmember Smith stated that he is more comfortable keeping things the way they are. He wishes it could go to referendum, but since we can't he is not comfortable making this decision for the entire Town. Supervisor Teal stated that they were given this responsibility and she is not comfortable just turning that over to somebody else without the voters having a say. Councilmember Baumli stated that there were discussions at budget time last year about the possibility of going to a fire district but he is not going to be one of five people that make that decision. He would like to see it go out to referendum and let the voters in this Town make that decision. Not knowing last budget time that we couldn't go to referendum, the Town Board expressed interest in exploring the possibilities. Now that we have all the information, he is not comfortable making that decision without the voters input. Councilmember Geraldi stated that if the LVPA wants to go the route of gathering the signatures required, that is fine, but he is not interested as a Town Board in making this decision. Gregg Gilliland stated that the Town Board, as a group, does not want to go forward so they will tell their attorney to stop researching it.

Ed Godfroy stated that the LVPA has stopped everything on the building until they got through this budget and district discussion.

***Carpet Cleaning Quotes:***

Town Clerk Houghtling stated that the Town Board had budgeted \$2,000 this year to have the carpets in the Town Hall professionally steam cleaned. She has received 3 quotes for carpet cleaning. A quote was submitted by Capital Vacuums in the amount of \$379.00. A quote was submitted by Catamount Response in the amount of \$541.44. A quote was submitted by Service Master of the Berkshires in the amount of \$842.00.

Councilmember Evans made a motion to accept the quote from Capital Vacuums for \$379.00 to professionally steam clean all of the carpets in the Town Hall. Councilmember Smith seconded that motion.

Roll Call Vote:

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

***Workplace Violence Resolution:***

**TOWN OF NEW LEBANON**

**RESOLUTION #17, 2017**

**WORKPLACE VIOLENCE PREVENTION POLICY STATEMENT**

**JUNE 13, 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 13<sup>th</sup> day of June 2017, the following resolution was put forth for enactment:

Proposed by Supervisor Teal

Seconded by Councilmember Smith Sr.

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF NEW LEBANON  
ESTABLISHING A WORKPLACE VIOLENCE PREVENTION POLICY STATEMENT AND  
INCIDENT REPORTING PROTOCOL**

**WHEREAS**, 12 NYCRR Part 800.6, known by the Department of Labor as Code Rule 800.6, Public Employer Workplace Violence Prevention Programs, requires public employers to develop and implement programs to prevent and minimize the hazards of workplace violence to public employees, allows any employee or authorized employee representative of employees who believes that a serious violation of this safety or health standard exists, or an imminent danger exists, to request an inspection by the department of labor, and provides for the enforcement of such requirement by the Commissioner of Labor; and

**WHEREAS**, development and implementation of programs to prevent and minimize the hazards of workplace violence to public employees will enhance the safety of the employees of the Town of New Lebanon; and

**WHEREAS**, the Town of New Lebanon wants to create a safe work environment for all of their employees.

**NOW, THEREFORE, BE IT RESOLVED** by the New Lebanon Town Board as follows:

**RESOLVED**, that the attached “Town of New Lebanon Workplace Violence Prevention Policy Statement” document (labelled Appendix A) be adopted and the “Workplace Security Checklists” document (labelled Appendix C) be completed by the Town Clerk one time after the adoption of this resolution, and be it further

**RESOLVED**, that the Town Clerk be established as the designated contact person for complaints of any Workplace Violence incidents, and be it further

**RESOLVED**, that the Town Supervisor shall act as the alternate contact person in the absence of the Town Clerk or in instances where the Town Clerk is the alleged aggressor, and be it further

**RESOLVED**, that the attached “Workplace Violence Incident Report” document (labelled Appendix B) be utilized to document any reports of alleged workplace violence, and be it further

**RESOLVED**, that workplace training on violence prevention shall occur on an annual basis for employees of the Town, and such annual training will utilize the “Workplace Violence Prevention Training” document (labelled Appendix D) and the guidelines established in 12 NYCRR 800.6 as the basis for the training which shall occur, and the document will be completed by the Town Clerk on an annual basis following the completion of the training.

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

Roll Call Vote:

Councilmember Gerald – Aye  
Councilmember Smith – Aye  
Supervisor Teal – Aye  
Councilmember Evans – Aye  
Councilmember 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.

## **APPENDIX A**

### **Town of New Lebanon**

### **Workplace Violence Prevention Policy Statement**

The Town of New Lebanon *is committed to the safety and security of our employees.* Workplace violence presents a serious occupational safety hazard to our town, staff, and the public.

Workplace violence is defined as any physical assault or act of aggressive behavior occurring where a public employee performs any work-related duty in the course of his or her employment including but not limited to an attempt or threat, whether verbal or physical, to inflict physical injury upon an employee; any intentional display of force which would give an employee reason to fear or expect bodily harm; intentional and wrongful physical contact with a person without his or her consent that entails some injury; or stalking an employee with the intent of causing fear or material harm to the physical safety and health of such employee when such stalking has arisen through and in the course of employment.

Acts of violence against any of our employees where any work related duty is performed will be thoroughly investigated and appropriate action will be taken, including involving law enforcement authorities when warranted. All employees are responsible for helping to create an environment of mutual respect for each other as well as the public, following all policies, procedures and practices, and for assisting in maintaining a safe and secure work environment.

This policy is designed to meet the requirements of NYS Labor Law 27b and highlights some of the elements that are found within our Workplace Violence Prevention Program. The process involves complying with this law which includes a workplace evaluation that is designed to identify the risks of workplace violence to which our employees could be exposed. Authorized Employee Representative(s) will, at a minimum, be involved in:

- Evaluating the physical environment;
- Developing the Workplace Violence Prevention Program; and
- Reviewing workplace violence incident reports at least annually to identify trends in the types of incidents reported, if any, and reviewing the effectiveness of the mitigating actions taken.

All employees will participate in the annual Workplace Violence Prevention Training Program.

The goal of this policy is to promote the safety and well-being of all people in our workplace. All incidents of violence or threatening behavior will be responded to immediately upon notification.

All the Town of New Lebanon personnel are responsible for notifying the contact person designated below (or alternate contact person in the absence of the designated contact person or when the designated contact person is the alleged aggressor) of any violent incidents, threatening behavior, including threats they have witnessed, received, or have been told that another person has witnessed or received.

**Designated Contact Person:**

Name: \_\_\_\_\_

Title: Town Clerk

Department: All Departments

Phone: 518-794-8888

Location: NL Town Hall

**Alternate Contact Person:**

Name: \_\_\_\_\_

Title: Town Supervisor

Department: All Departments

Phone: 518-794-8889

Location: NL Town Hall

## APPENDIX B Workplace Violence Incident Report

Today's Date \_\_\_\_\_

Date of Incident \_\_\_\_\_  
Time of Incident \_\_\_\_\_  
Case Number (to be completed by designated contact person) \_\_\_\_\_  
Involved Individual(s) name(s) \_\_\_\_\_  
Title of individuals involved in incident \_\_\_\_\_  
Workplace Location where incident occurred \_\_\_\_\_

If known, what was the employee doing just prior to the incident?

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Incident Description (Minimally include names of involved employees, extent of injuries and names of witnesses):

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How did the incident end?:

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Print Name and Title

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Signature

Enter "Privacy Concern Case" above if this is a case involving injury to an intimate body part or the reproductive system, injury or illness resulting from sexual assault, mental illness, HIV infection, needle stick injuries or injuries which may be contaminated with another person's blood or infectious material, or if the employee independently and voluntarily requests that his or her name not be entered in the report.

## APPENDIX C

### Workplace Security Checklists

Facility: \_\_\_\_\_  
Address/Work Location: \_\_\_\_\_  
Assessment Done By: \_\_\_\_\_  
Date of Assessment: \_\_\_\_\_

#### Security Control Plan

Has a Security Control Plan been developed? Yes \_\_\_ No \_\_\_\_\_

If yes, is it in writing? Yes \_\_\_ No \_\_\_

If yes, does it include?

- A. A Policy Statement Yes \_\_\_ No \_\_\_
- B. Evaluation of work areas Yes \_\_\_ No \_\_\_
- C. Identification of control methods considered:
  - 1. Engineering Controls Yes \_\_\_ No \_\_\_
  - 2. Work Practice Controls Yes \_\_\_ No \_\_\_
  - D. Training Yes \_\_\_ No \_\_\_
  - E. Evacuation and Floor Plan Yes \_\_\_ No \_\_\_

Is the Security Control Plan accessible to all employees? Yes \_\_\_ No \_\_\_

Is the Security Control Plan reviewed and updated when a task has been added or changed and at least annually? Yes \_\_\_ No \_\_\_

Have you coordinated your Security Control Plan with the local law enforcement agency? Yes \_\_\_ No \_\_\_

#### A. Policy Statement

Is the Workplace Violence Policy statement clearly written? Yes \_\_\_ No \_\_\_

#### B. Work Area Evaluation

Are all areas being evaluated? Yes \_\_\_ No \_\_\_

If no, which ones are not? Comments:

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#### C. Control Measures

##### 1. Engineering Controls

If appropriate, have the following engineering controls been implemented:

- A. Door control(s) Yes \_\_\_ No \_\_\_
- B. Panic buttons Yes \_\_\_ No \_\_\_
- C. Door detectors Yes \_\_\_ No \_\_\_
- E. Closed circuit Yes \_\_\_ No \_\_\_
- F. Stationary metal detector Yes \_\_\_ No \_\_\_
- G. Sound detection Yes \_\_\_ No \_\_\_

- H. Intrusion panel Yes \_\_\_ No \_\_\_
- I. Monitors Yes \_\_\_ No \_\_\_
- J. Video tape recorder Yes \_\_\_ No \_\_\_
- K. Switcher Yes \_\_\_ No \_\_\_
- L. Hand-held metal detector Yes \_\_\_ No \_\_\_
- M. Other \_\_\_\_\_

Have structural modifications (e.g. Plexiglas, partitions, etc.) been implemented? Yes \_\_\_ No \_\_\_  
 If yes, comment, if no, what is needed?

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**2. Work Practice Controls:**

If appropriate, have the following work practice controls been implemented:

- A. Desk clear of objects Yes \_\_\_ No \_\_\_
- B. Unobstructed office exits Yes \_\_\_ No \_\_\_
- C. Bare cubicles available Yes \_\_\_ No \_\_\_
- D. Reception area available Yes \_\_\_ No \_\_\_
- E. Visitor/client sign in/out Yes \_\_\_ No \_\_\_
- F. Visitor(s)/client(s) escorted Yes \_\_\_ No \_\_\_
- G. Counter top to separate clients from work area Yes \_\_\_ No \_\_\_
- H. One entrance used Yes \_\_\_ No \_\_\_
- I. Separate interview area(s) Yes \_\_\_ No \_\_\_
- J. I. D. badges used Yes \_\_\_ No \_\_\_
- K. Emergency phone numbers posted Yes \_\_\_ No \_\_\_
- L. Internal phone system Yes \_\_\_ No \_\_\_
- M. If yes, indicate:
  - a. Does it use 120 VAC building lines? Yes \_\_\_ No \_\_\_
  - b. Does it use phone lines? Yes \_\_\_ No \_\_\_
- N. Internal procedures for conflict (problem) situations Yes \_\_\_ No \_\_\_
- O. Parking lot well lighted Yes \_\_\_ No \_\_\_
- P. Other \_\_\_\_\_

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- Are Security Guards used at this facility? Yes \_\_\_ No \_\_\_
- If yes, how many \_\_\_\_\_
- A. At entrance(s) Yes \_\_\_ No \_\_\_
- B. Building patrol Yes \_\_\_ No \_\_\_
- C. Are they from a contracted security agency? Yes \_\_\_ No \_\_\_
- If no, has consideration been given to the local law enforcement response capability? Yes \_\_\_ No \_\_\_

Comments: \_\_\_\_\_

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## APPENDIX D

### Workplace Violence Prevention Training

Has training been conducted? Yes \_\_\_ No \_\_\_

If yes, is it provided?

1. Prior to initial assignment Yes \_\_\_ No \_\_\_

2. Annually thereafter Yes \_\_\_ No \_\_\_

Does training include:

A. Components of security control plan Yes \_\_\_ No \_\_\_

B. Engineering controls instituted at the workplace Yes \_\_\_ No \_\_\_

C. Work practice controls instituted at the workplace Yes \_\_\_ No \_\_\_

D. Techniques to use in potentially volatile situations Yes \_\_\_ No \_\_\_

E. How to anticipate/read behavior Yes \_\_\_ No \_\_\_

F. Procedures to follow after an incident Yes \_\_\_ No \_\_\_

G. Periodic refresher for on site procedures Yes \_\_\_ No \_\_\_

H. Recognizing substance abuse/paraphernalia Yes \_\_\_ No \_\_\_

I. Opportunity for Q&A with instructor Yes \_\_\_ No \_\_\_

Are training records kept? Yes \_\_\_ No \_\_\_

### Floor Plan, Evacuation Plan

Are emergency evacuation plans current? Yes \_\_\_ No \_\_\_

Are floor plans posted showing exits, entrances,  
location of security equipment, etc? Yes \_\_\_ No \_\_\_

Are emergency evacuation drills conducted annually? Yes \_\_\_ No \_\_\_

### Conclusions:

Do employees feel safe? Yes \_\_\_ No \_\_\_

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Comments and Recommendations based on this evaluation:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

***Emergency Response Program:***

Supervisor Teal stated that the EPA has an Emergency Response Program that can assist with environmental issues that can pose an imminent or substantial threat to human health and the environment. They will conduct a free environmental assessment. When we look at some of the properties that we may be going into such as Murray and Lindig, they would come in and do a free evaluation on those sites.

***Appointment – Park Maintenance Staff:***

Supervisor Teal stated that we need to make an appointment of Timothy Sears. He is an additional staff member that works seasonally at the park as needed. He is at \$9.77 per hour currently. Councilmember Geraldini asked if there is a reason that we need more staff. Supervisor Teal stated that usually they have that additional help in case it's needed, especially with a lot of rain when there is only a small window of time to mow. It is all within their approved budget and doesn't change their overall amount spent.

Supervisor Teal made a motion to appoint Timothy Sears as a park maintenance staff member at a rate of \$9.77 per hour for the remainder of 2017. Councilmember Baumli seconded that motion.

Roll Call Vote:

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

***Community Picnic:***

Supervisor Teal stated that there is a discussion on the community picnic and whether the Town is involved or not. Scott Larabee stated that the Town is not involved. He stated that he told her when he left the Recreation Commission that the Larabee family would take over the community picnic and they would be doing it independently of the Town. Councilmember Smith asked what he is looking for. Do they want something that blatantly says that it is the Larabee community picnic and the Town has no involvement?

Scott Larabee stated that it is next to impossible to get the Recreation Commission together and not having the Town involved would allow them to ask businesses for donations because it has nothing to do with the Town and they could do a Chinese auction to make money for the following year's community picnic. Cynthia Creech stated that her understanding was that people that weren't working on the nights of the Recreation Commission meetings prior to the picnic were there and were coming to the picnic and working the picnic. This was a Town sponsored community picnic. She stated that over the last 2 years it became more and more the Larabee family picnic because they clearly wanted to run the picnic so it sounds like from everything Scott has said, they want a family picnic at the pavilion that has nothing to do with the Town or the Recreation Commission.

Councilmember Baumli stated that if they want to have a private party at the pavilion, they can call it a community picnic but if it does not involve the Town of New Lebanon

then it is a private event. This would mean they would rent the pavilion and notify the public that the community picnic is no longer a Town sponsored event. If businesses in Town choose to donate to the Larabee family for this private event, that is fine, but it needs to be clear that the Town is no longer sponsoring it. Since they no longer want the Town involved in this community picnic, the Town may want to consider having a Town sponsored community picnic again. They would be two different events, one a private event and one a Town event. Cynthia Creech stated that next year as part of the bicentennial celebration, the Town would have a bicentennial community picnic that will be Town sponsored. Councilmember Smith stated that the Town is still going to have a community picnic each year sponsored by the Recreation Commission like they have in the past. Scott Larabee stated that as far as he is concerned, the Town can feel free to start this year. His main thing is that he didn't want to see the community picnic die and working with the Recreation Commission was next to impossible. He asked if the Town is doing a community picnic. Councilmember Smith stated that this year we are not but next year we will start our own community picnic.

***Pavilion Rental – for profit entities:***

Supervisor Teal stated that we have no policy for our pavilion rental. We need to develop a policy. We have for-profit businesses that come in and rent the pavilion to run their businesses through the pavilion. We cannot allow that. Town assets cannot be used to raise funds for any outside business, whether they are for profit or not for profit. The Town can because we are the Town and we are doing it on behalf of all the taxpayers but we cannot allow other entities to do it. The LVPA, the Library and the NLCSD are different because they are taxing entities in the Town. For this year, we will honor reservations that are already on the books. Moving forward, we will work on developing a policy for the rental of the park and the pavilion before next season starts.

***Newsletter – content concerns:***

Supervisor Teal stated that there were some concerns expressed about some of the inclusions in the newsletter. She had the Town Attorney review it and he brought up additional concerns. We are going to have to develop a policy for the newsletter. Until a policy is developed, she would like to authorize the Town Clerk to be able to reach out to the Town Attorney and discuss with him inclusions from outside entities for the August 1<sup>st</sup> edition of the newsletter. Councilmember Smith asked if we are talking hours to be spent on this. Supervisor Teal answered no. She stated that until the policy is developed she wants to ensure that the Town Clerk has proper guidance when putting the newsletter together as to what can and cannot be included. Councilmember Smith stated that one concern was with the letter from the Supervisor and he sees those in any newsletter. Attorney Ferradino stated that they want to make sure that the letter from the Supervisor is just reporting what is happening in the Town as opposed to it being more of a promotional piece for the Supervisor. Supervisor Teal stated that the concern is that it is taxpayer money paying for the newsletter and she is an elected official who is up for re-election. If somebody challenges her, it could be perceived that she is using taxpayer money to promote her campaign and she doesn't want to do that. Councilmember Geraldini stated that you could change the name of it from "Letter from the Supervisor" to "Letter from the Town Board". Supervisor Teal stated she is working with the Attorney on developing a policy for a newsletter and in the meantime he will consult with the Town Clerk on the content to make sure we aren't printing anything that we shouldn't be.

***Compensation Plan:***

Supervisor Teal stated that we are starting work on developing a compensation plan. We had a meeting with Supervisor Teal, Councilmember Evans, Deputy Supervisor Cynthia Creech and Town Clerk Tistrya Houghtling. Assessor Kim Cammer will possibly be a part of that committee and Supervisor Teal will not be there all the time, but rather consulted along the way. The committee will be looking at compensation packages in other Towns in the area as well as County and State plans. They will present more to the entire Town Board as they get more developed.

***Change in Official Newspaper:***

**TOWN OF NEW LEBANON**

**RESOLUTION #18, 2017**

**DESIGNATION OF OFFICIAL NEWSPAPER OF THE NEW LEBANON TOWN BOARD**

**JUNE 13, 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 13<sup>th</sup> day of June 2017, the following Resolution was proposed and seconded:

Resolution by Supervisor Teal

Seconded by Councilmember Smith Sr.

*Designation of Official Newspaper of the New Lebanon Town Board*

WHEREAS the current official newspaper for the Town of New Lebanon, *The Eastwick Press*, is going out of business and can no longer be the Town's official newspaper.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of New Lebanon designates *The Columbia Paper* as the official newspaper for the Town of New Lebanon for the remainder of the year 2017.

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

Roll Call Vote:

Councilmember Geraldini – Aye

Councilmember Smith – Aye

Supervisor Teal – Aye

Councilmember Evans – Aye

Councilmember 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.

***Bids – Resolution to extend current & authorization to go out to bid for 2017-2018 – Sand, Stone, Gravel; Calcium Chloride; Fuel; & Contracted Equipment:***

Supervisor Teal stated that we dropped the ball on this. The current bids expire on 6/30/2017. We have a resolution to extend the current bids through 7/31/2017 and then we need to go out to bid for the next year.

**TOWN OF NEW LEBANON  
RESOLUTION #19, 2017  
AUTHORIZATION TO EXTEND CURRENT BIDS  
JUNE 13, 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 13<sup>th</sup> day of June 2017, the following Resolution was proposed and seconded:

Resolution by Supervisor Teal  
Seconded by Councilmember Smith Sr.

***AUTHORIZATION TO EXTEND CURRENT BIDS***

**WHEREAS**, The Town of New Lebanon goes out to bid annually on Calcium Chloride; Sand, Stone & Gravel; Heating & Diesel Fuel; and Specific Equipment for Hire, and;

**WHEREAS**, the current bidding cycle expires on June 30<sup>th</sup>, 2017, and;

**WHEREAS**, in order to have time to properly advertise that we are going out to bid for the next bidding cycle the Town Board cannot accept bids for the new bidding cycle before July 1<sup>st</sup>, 2017, and:

**WHEREAS**, all companies that we are currently purchasing from through the current bidding cycle have agreed to extend the current bids through July 31<sup>st</sup>, 2017.

**NOW, THEREFORE, BE IT RESOLVED**, that the New Lebanon Town Board authorizes the extension of the current bidding cycle for calcium chloride; sand, stone & gravel; heating & diesel fuel; and specific equipment for hire through July 31<sup>st</sup>, 2017.

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

Roll Call Vote:

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

Supervisor Teal made a motion to go out to bid for Fuel; Sand, Stone & Gravel; Calcium Chloride; and Equipment for hire from 8/1/2017 through 7/31/2018 with bids due to the Town Clerk’s office by Friday July 7, 2017 at 4:30pm. Councilmember Smith seconded that motion.

Roll Call Vote:

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

**COMMITTEE REPORTS:**

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

Councilmember Evans stated that he received a report from the Assessor. Tentative roll was out on May 1<sup>st</sup>, grievance was held on May 23<sup>rd</sup>, and the final roll will be out on July 1<sup>st</sup>. She is continuing the 2019 re-assessment. The tentative equalization rate was held again at 100%. They are continuing to work in the office on downsizing and scanning files.

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

No report.

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

No report.

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

No report.

***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. They hope everybody will come and give opinions and ideas. They are also looking for photographs of local wildlife.

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

No report.

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

No report.

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

Supervisor Teal stated that Kevin had spoken with the school regarding the cupola. The school is planning to dispose of the cupola. Councilmember Smith stated that he went down to the school to see if any of the students want to get involved with the development of the skate park. He asked about the cupola because they were going to re-do it and keep it at the school, but now they are just going to throw it out. He doesn't know what the Town Board wants to do but maybe we want to consider getting some volunteers together to help refinish it and use it in the park somewhere or we could put it on some pallets and store it then down the road work on it. Supervisor Teal stated that Doug Banker was present when they took the cupola down and the condition is very bad. Restoring it will cost around \$35,000 - \$40,000 and to do a historic preservation of it will cost around \$75,000 - \$80,000.

Supervisor Teal stated that they still have the Shaker stones which is required and they do have an obligation to put up a history or story board. They have reached out to Steve Oberon and they are working on an education story board to go where the building originally was. Councilmember Smith stated that if the Town doesn't want to do anything with it right now, he will pick it up and store it for the Town and eventually we will be able to do something with it or at least parts of it and display it in the park somewhere. Councilmember Evans asked if the price to restore it is to allow it to be used as a cupola again. Supervisor Teal answered no. Timothy Laraway stated that he would volunteer his time and donate the slate

needed to get the roof restored as he has been a slate repairman for 30 years. Supervisor Teal stated that she is in favor of the Town taking the cupola and allowing Councilmember Smith to store it until we are ready to do some work on it. The Town Board agreed to have the Town take the cupola and have Councilmember Smith store it for the Town until the Town is ready to restore it.

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

No report.

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

Councilmember Smith stated that he went through the whole park and made a list of everything that needs to be done. We might want to consider replacing the sinks and such for next year. We need to put some handicap bars in the bathroom too. He stated that the bleachers are still sitting by the driveway and Jeff Winestock has offered to donate some fabric. The little league needs to do what they are going to do with the bleachers because we are just weed eating around them every time we mow. He asked Town Clerk Houghtling to send a letter to Shatford Little League asking them to deal with the bleachers ASAP and also to paint or stain the food concession stand as it is peeling.

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

No report.

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

No report.

***County Updates:***

Supervisor Teal stated that the County wide shared services plan is mandated by NYS. It is something they are working on and having discussions on. They are looking for opportunities to save money. There is no obligation to any Town to participate. Once the plan is in place, each Town Board will decide if their Town will participate or not. A hazard mitigation plan has to be adopted at County and then we will need to adopt it. She had some concerns about the flood prevention steps cited for New Lebanon. When she first was working on this she spoke with a consulting firm out in Washington and discussed changing them but then it came back with those in there so she spoke with the emergency management director. It says we are going to pour concrete in all of our creek beds where they are posing a problem. This will not be approved by DEC. Once it's denied they will get more assistance in fixing this problem. We are the loss leader in the County on insurance losses due to flooding.

Councilmember Baumli stated that cable in Town is cutting out a lot. It has been going out multiple times and for long periods each time. Ed Godfroy stated that in the last 3 weeks it has been out 5 times for 8-12 hours at a time. Supervisor Teal stated that she will reach out about these issues.

Councilmember Baumli stated that the beaver dams down on Route 20 that run under Route 20 near Canaan Road are blocking up a multiple houses. He is wondering if there is something we can do about this. Supervisor Teal stated that DOT has a standing permit to be able to go in and deal with beavers. Nobody is going to trap them right now for free because

their pelts aren't worth anything this time of year. NYS DOT has offered to go in and break up the dams whenever he can, but they are going to rebuild them overnight and he can't have someone do it every day. Wes Powell has offered to trap them for \$30 per beaver. He normally charges \$60 per beaver but would do it for half price for the Town. Highway Superintendent Jeff Winestock stated that with property owner's permission he will go take a look at it and clean it out and keep it cleaned out. Councilmember Baumli gave him permission to go on the property owned by his family and clean it out.

**ANNOUNCEMENTS:**

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

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

**BUDGET AMENDMENT:**

**Budget Amendment #6 of 2017:**

**General Fund:**

\$11,085	from A-1990.4 (Contingency)
\$8,863	to A-1420.4 (Attorney)
\$222	to A-1410.2 (Town Clerk: Equipment)
\$2,000	to A-8664.4 (Code/Zoning Enforce.: Contract. Exp.)

**Highway Fund:**

\$35,212	from DA-914 (Assigned Appropriated Fund Balance)
\$172,738	from DA-2680 (Insurance Recoveries)
\$45,839	from DA-3501 (State Aid: Consolidated Highway)
\$207,950	to DA-5130.2 (Machinery: Equipment)
\$45,839	to DA-5112.2 (Improvements: Capital Outlay – CHIPS)

A motion was made by Supervisor Teal and seconded by Councilmember Smith 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

**AUDIT OF BILLS:**

**General No. 162 in the amount of \$2,830.46; and**

**Highway No. 53 in the amount of \$3,140.00;**

**As listed on Abstract No. 5A of 2017 dated June 13, 2017; and**

**General Nos. 163 through 203, in the amount of \$73,150.09;**

**Highway Nos. 54 through 65, in the amount of \$85,816.00; and  
Escrow No. E17-5 in the amount of \$1,200.00;  
As listed on Abstract No. 6 of 2017 dated June 13, 2017.**

A motion was made by Supervisor Teal and seconded by Councilmember Smith 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

Supervisor Teal stated that we received a voucher for a field trip for the Summer Youth Program to Six Flags New England that was too late to get in this month's bills and must be paid before the July meeting. She is looking for Town Board approval to cut the check for this voucher and place it on an interim abstract for next month.

Councilmember Smith made a motion authorizing Supervisor Teal to make the payment to Six Flags New England in the amount of \$4,324.00. Supervisor Teal seconded that motion. The motion passed unanimously.

**PRIVILEGE OF THE FLOOR:**

**Christine Dreyfus** stated that the Library is pulling together recipes for a cookbook named "Storied Recipes of New Lebanon". She handed out a recipe form to each Town Board Member for them to fill out. They will put this recipe book out in conjunction with the NL 200 Celebration.

**EXECUTIVE SESSION:**

Supervisor Teal made a motion at 9:45 pm to enter into executive session to discuss specific litigation. Councilmember Smith seconded that motion.

Roll Call Vote:

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

Supervisor Teal made a motion at 9:59 pm to exit the executive session. Councilmember Smith seconded that motion.

Roll Call Vote:

Councilmember Geraldini – Aye  
Councilmember Smith – Aye  
Supervisor Teal – Aye

Councilmember Evans – Aye  
Councilmember Baumli – Aye

Councilmember Smith made a motion authorizing the Town Supervisor to enter into a stipulation of settlement if the parties can agree on terms or to proceed to trial in the Senger Tax Certiorari case. Councilmember Baumli seconded that motion.

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 Evans to adjourn the meeting at 10:00 p.m.

Respectfully submitted,

Tistrya Houghtling  
New Lebanon Town Clerk