

**MINUTES OF THE REGULAR MEETING OF  
THE TOWN BOARD OF THE TOWN OF NEW LEBANON  
HELD ON APRIL 12, 2016**

**Present:** Colleen Teal, Supervisor  
Chuck Gerald, Councilmember  
Dan Evans, Councilmember  
Mark Baumli, Councilmember  
Kevin Smith Sr, Councilmember  
Dan Tuczinski, Town Attorney

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

**Others Present:** Jeffrey Winestock, Highway Superintendent  
Cynthia Creech, Deputy Supervisor; Court Clerk;  
Recreation Commission, CAC, & Zoning Re-Write  
Committee Member  
Peg Munves, CAC  
Rocky Brown, Ethics Board Member  
Joe Ogilvie, Recreation Commission  
Katherine Levitan, Recreation Commission  
Ben Wheeler, LVPA  
Ed Godfroy, LVPA  
Greg Gilliland, LVPA  
Bobby Waters, LVPA  
Bev Larabee, Cemetery of the Evergreens  
Sharon Moon, Board of Assessment Review  
Robert Smith, Planning Board & Ethics Board Member  
Ted Salem, Zoning Board of Appeals & Zoning Re-Write  
Committee  
Michael Blatt, Planning Board  
Steve Oberon, LVHS  
Doug Banker, LVHS  
Bruce Shenker, Enviro. Mgt. Council Representative  
Scott Larabee, Building Maintenance  
Chris Dreyfus, Meals On Wheels  
Judy Zimmer, Cleaner  
Thaddeus Flint, Reporter for *The Eastwick Press*  
Several members of the public

**CALL TO ORDER:**

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

Supervisor Teal addressed the board and the public about the decorum of the meeting. She stated that she would like to have as much engagement with the public as possible and she will entertain questions from the public during the meeting, outside of privilege of the floor as long as it doesn't deter the board from getting their work done. She made available to the public a copy of the rules of the privilege of the floor and asked that these rules be followed during the regular operations of the meeting.

**MINUTES:**

The minutes of the **March 8, 2016 Regular Meeting and April 4, 2016 Special Meeting** were reviewed. A motion was made by Supervisor Teal, seconded by Councilmember Smith, and approved unanimously to accept the above noted minutes as typed.

**FINANCIAL:**

***Supervisor's Report:***

Supervisor Teal read the Supervisor's Report as of March 31, 2016. A motion was made by Councilmember Evans, seconded by Councilmember Baumli and approved unanimously to accept the Supervisor's report.

**OLD BUSINESS:**

**Highway Backhoe Financing Proposals:**

Supervisor Teal stated that the Town Board accepted the bid from Monroe Tractor for the purchase of a backhoe/loader at the special meeting held on April 4<sup>th</sup>, 2016. She stated that there are 3 financing options: First Niagara is offering a 3, 4 or 5 year option with payment in advance or a 3, 4 or 5 year option with payment in arrears, and CMH Capital is offering a 3, 4 or 5 year option. She stated that First Niagara's interest rates are significantly lower than those offered by CMH Capital.

Supervisor Teal stated that the financing option that she is most interested in is the 3 year advanced option with First Niagara, putting our annual payments at \$18,798.66 and makes the total interest that we are paying over the life of the loan \$1,395.98. This option would mean the first payment would be due this year and she suggests taking the first year payment from budget line DA-9950.9 (Capital Project Fund).

Councilmember Smith made a motion to approve the financing for the purchase of the backhoe in the amount of \$55,000 through First Niagara on a 3 year term advance loan with 3 annual payments of \$18,798.66 with an interest rate of 2.56% and authorizing the first year payment to be taken from budget line DA-9950.9 (Highway Capital Project Fund). Supervisor Teal seconded the motion.

Roll Call Vote:

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

The motion passed.

**Highway Screening Plant:**

Supervisor Teal stated that County is interested in purchasing the screening plant for \$15,000 but would like to take it and test it out first. Councilmember Baumli stated that we saved over \$3,000 by going out to bid on the Backhoe and suggested that we go out to bid on the surplus screening plant. Supervisor Teal stated that we do not have to go out to bid as an inter-municipal purchase and that we have already gone out to bid in

the past on the surplus screener. Councilmember Evans agreed that we should go out to bid on it. Councilmember Geraldini stated that if we go out to bid and don't get any bids then County might not be willing to give us \$15,000 for it later.

Councilmember Geraldini made a motion to allow the County to take the screening plant to test it. Councilmember Smith seconded the motion.

Roll Call Vote:

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

The motion passed.

**Tennis Court Bids - Repair:**

Town Clerk Houghtling read the following bid notice aloud:

NOTICE TO BIDDERS  
REPAIR OF TENNIS COURTS  
TOWN OF NEW LEBANON  
COUNTY OF COLUMBIA

NOTICE IS HEREBY GIVEN that the TOWN OF NEW LEBANON is seeking bids for REPAIR OF THE TENNIS COURTS AT SHATFORD PARK.

Removal and stacking of the existing fence will be performed by the town. The bid for repair of the Shatford Park Tennis Courts is for the following scope of work:

General:

- Repair of the existing court system consisting of two doubles courts.
- All work will be completed in a 40 degree and rising environment.
- A schedule will be submitted to the Town of New Lebanon two weeks before construction begins so that proper notifications to the public can be made.
- All repairs will need to be marked off or covered during non-work hours.

Construction:

- Thoroughly air blow and clean entire surface;
- Crack repair;
- Loose surface repair;
- Low spot/birdbath repair;
- Resurfacing;
- Color Coating; and
- Line striping.

A pre-bid meeting will be held on Thursday, March 31st, 2016 at 10:00 a.m. at Shatford Park in New Lebanon, NY. Bidders must satisfy themselves by inspecting the site of the proposed work and making themselves familiar with local conditions.

Bids must include the life expectancy of the repair of the courts. Bids must specify the length of warranty included with the repair of the courts. Bids must be submitted on the provided bid form and bids must be broken down as directed by the bid form. Bids must include NYS prevailing wages which may be obtained through the NYS Department of Labor.

Sealed bids must be in plain envelopes, clearly labeled only with the item being bid, and must include a "Non-Collusive Bidding Certificate." Bids must be received in the office of the Town Clerk at the New Lebanon Town Hall, 14755 Route 22, New Lebanon, New York, no later than 5:00 p.m. on Friday, April 8th, 2016. Electronic and faxed bids will not be accepted.

Bids will be opened at the Office of the Town Clerk on Friday, April 8th, 2016 at 5:00 p.m. This project will be awarded on a lump sum basis to one contractor. The Town Board reserves the right to reject or accept all bids. All bids submitted must be binding for a period of 60 days after the opening of the bids.

No bids were received.

**Tennis Court Bids - Reconstruction:**

Town Clerk Houghtling read the following bid notice aloud:

*NOTICE TO BIDDERS*  
RECONSTRUCTION OF TENNIS COURTS  
*TOWN OF NEW LEBANON*  
*COUNTY OF COLUMBIA*

NOTICE IS HEREBY GIVEN that the TOWN OF NEW LEBANON is seeking bids for RECONSTRUCTION OF THE TENNIS COURTS AT SHATFORD PARK.

Removal and stacking of the existing fence and demolition of existing blacktop layers without disturbing the subbase will be performed by the town and the subbase will be compacted and graded to a 1% slope. The town will provide material to back-up newly installed subbase and also topsoil and seeding around the perimeter of the new court system. The bid for the Shatford Park Tennis Courts is for the following scope of work:

General:

- Reconstruction of a new court system 110' x 120' consisting of two doubles courts with new nets and posts.
- All work will be completed in a 40 degree and rising environment.
- A schedule will be submitted to the Town of New Lebanon two weeks before construction begins so that proper notifications to the public can be made.
- All excavations will need to be marked off or covered during non-work hours.

Construction:

- Installation of stabilization fabric across existing subbase using proper overlaps per manufacturer's requirements.

- Installation of Type 2 NYSDOT or similar crusher run at a depth of 8". A 1% grade will be met, sloping from the middle of the two courts to the shoulders. Proper compaction will be required.
- Installation of Type 3 NYSDOT Binder or similar will be installed at a thickness of 2".
- Installation of Type 7 NYSDOT Surface Course or similar at a thickness of 1.5".
- Installation of new nets and posts per manufacturer's recommendations. Submittal of the product to be used will require approval by the Town Board.
- Application of an approved surface coating and striping system.

A pre-bid meeting will be held on Thursday, March 31<sup>st</sup>, 2016 at 10:00 a.m. at Shatford Park in New Lebanon, NY. Bidders must satisfy themselves by inspecting the site of the proposed work and making themselves familiar with local conditions.

Bids must include the product to be used for new nets and posts for approval by the Town Board. All bidders should provide manufacturers cut sheets and/or product data for the net systems that are proposed by the bidder. Bids must include the life expectancy of the courts. Bids must specify the length and scope of warranty included with the installation of the courts. Bids must be submitted on the provided bid form and bids must be broken down as directed by the bid form. Bids must include NYS prevailing wages which may be obtained through the NYS Department of Labor.

Sealed bids must be in plain envelopes, clearly labeled only with the item being bid, and must include a "Non-Collusive Bidding Certificate." Bids must be received in the office of the Town Clerk at the New Lebanon Town Hall, 14755 Route 22, New Lebanon, New York, no later than 5:00 p.m. on Friday, April 8<sup>th</sup>, 2016. Electronic and faxed bids will not be accepted.

Bids will be opened at the Office of the Town Clerk on Friday, April 8<sup>th</sup>, 2016 at 5:00 p.m. This project will be awarded on a lump sum basis to one contractor. The Town Board reserves the right to reject or accept all bids. All bids submitted must be binding for a period of 60 days after the opening of bids.

Town Clerk Houghtling stated that we received 2 bids for the reconstruction of the tennis courts. A bid was received from W.E. Williams Paving Inc. for a total amount of \$86,180.00 with a 15 year life expectancy and a 1 year warranty on workmanship and materials. A bid was received from HMA Contracting Corporation for a total amount of \$67,965.00 with a 15 year life expectancy with proper maintenance and a 1 year warranty on labor, materials and workmanship.

Supervisor Teal stated that she recommends that we go with HMA Contracting Corporation. She looked into their company and their references were as good as Williams Paving but their price is much lower. She suggested that we take \$20,000.00 from the Shatford Park Capital Reserve and \$47,965.00 from our Unrestricted Surplus and that once we accept the bid, we authorize the Attorney to draft a contract with HMA Contracting Corporation.

Councilmember Smith stated that he is not happy with the 1 year warranty. He feels that we should be getting at least a 3 year warranty if the life expectancy is 15 years. Supervisor Teal stated that she does not know what is standard for the industry, but since both bids came with same 1 year warranty, she thinks that may be industry standard.

Councilmember Geraldi stated that \$67,000 is a lot of money and this Town has places we could spend \$67,000 in a better place than on the tennis courts. Supervisor Teal asked if we don't accept a bid to reconstruct the courts what is another option. She stated that this is our second time going out to bid on them. Supervisor Teal stated that she is not comfortable divesting the Town of an asset.

Councilmember Evans stated that he doesn't know industry standard but the fact that they both put 1 year warranty, he would assume that was standard. He stated that he was looking on the HMA website and some of the courts they have done were really well built and he thinks they may be the best in the area.

Councilmember Baumli stated that the tennis courts are an asset to the Town and we have acquired the playground equipment for free so everything offsets. He stated that it is a large expense but he thinks it is worth it for the Town to have good courts for the community to use as the residents and the school do get a lot of use out of the courts when they are in good condition.

Supervisor Teal stated that she wants to get a maintenance plan in place for the courts so that they could possibly exceed the 15 year life expectancy.

Supervisor Teal made a motion to accept the bid from HMA Contracting Corporation for a total cost of \$67,965.00 taking \$20,000.00 from the General Fund – Capital Reserve - Shatford Park Account (A-873) and \$47,965.00 from the General Fund – Unrestricted Fund Balance (A-917) and further to authorize the Town Attorney to draft the contract for the work with HMA Contracting Corporation. Councilmember Evans seconded the motion.

Roll Call Vote:

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

The motion passed.

**Surplus Laptop Bids:**

Town Clerk Houghtling read the following bid notice aloud:

NOTICE TO BIDDERS  
SURPLUS ITEMS  
TOWN OF NEW LEBANON  
COUNTY OF COLUMBIA

NOTICE IS HEREBY GIVEN that the NEW LEBANON TOWN BOARD is seeking bids for the following surplus items:

- 1 Laptop - Dell Latitude E5520 15.6in; Dell Service Tag GQ7NLQ1; Ship Date Dec 29, 2011; with the following: Windows 7 Professional 64bit; Intel Core i3-2330M 2.2 GHz; 4GB RAM; Ports – E-SATA, HDMI, 1394, 3 USB ports, RJ45 Network, VGA; 8X DVD +/- RW; Built in wireless; 500GB SATA Hard Drive; No Webcam; 65W AC Power Adapter; Office 2010 Home & Business Download Card (No media); and Windows 7 Recovery DVD.
- 1 Laptop - Dell Latitude E5530 15.6in; Dell Service Tag 2JQL7W1; Ship Date January 11, 2013; with the following: Windows 7 Professional 64bit; Intel Core i5-3210M 2.5GHz; 4GB Ram; Ports – E-SATA, HDMI, VGA, 3 USB ports, RJ45 Network; Fingerprint reader; Bluetooth; Built-in Wireless; Webcam; 8X DVD +/- RW; Intel HD4000 graphics card; Built-in wireless; 500GB SATA Hard Drive; 65W A/C Adapter; Office 2010 Home & Business DVD; and Windows 7 Recovery DVD.
- 1 Laptop - Lenovo ThinkPad T500 Type 2242 with the following: Windows Vista Business 32bit; Intel Core 2 Duo T9400 2.53GHz; 3GB RAM; DVD / RW; No webcam; Built-in wireless; 250GB Hard drive; Ports – 3 USB, 1394, RJ45, Modem, VGA; Office 2003 (no software); and No Recovery media.

Items are available for viewing at the New Lebanon Town Hall, please contact Tistrya Houghtling at 794-8888 to schedule a viewing. Sealed bids must be in a PLAIN WHITE ENVELOPE with the item written on the front and must include a “non-collusive bidding certificate”. Bids must be received in the office of the Town Clerk at the New Lebanon Town Hall, 14755 Route 22, P.O. Box 328, New Lebanon, New York, no later than 5:00 pm on Friday, April 8, 2016. Bids will be opened at the Office of the Town Clerk at 5:00 p.m. on Friday, April 8, 2016 and will be considered by the New Lebanon Town Board at the regular monthly meeting on Tuesday, April 12, 2016 to be held at the New Lebanon Town Hall at 7:00 p.m. Electronic and faxed bids will not be accepted. The Town Board reserves the right to reject or accept all bids.

Town Clerk Houghtling stated that we received 1 bid on the Dell Latitue E5520 from Louis Godfroy III in the amount of \$152.00; we received 2 bids on the Dell Latitue E5530 from Louis Godfroy III in the amount of \$202.00 and Phyllis Hulbert in the amount of \$50.00; and we received no bids on the Lenovo Think Pad.

Councilmember Smith made a motion to approve the bid from Louis Godfroy III on the Dell Lattitude E5520 in the amount of \$152.00 and the bid from Louis Godfroy III on the Dell Lattitude E5530 in the amount of \$202.00. Supervisor Teal seconded that motion.

Roll Call Vote:

Councilmember Geraldi - Aye  
Councilmember Smith – Aye  
Supervisor Teal – Aye

Councilmember Evans – Aye  
Councilmember Baumli – Aye

The motion passed.

Supervisor Teal requested board permission to offer the Lenovo Think Pad Laptop to the Historian. The board granted permission.

**Park Playground Install:**

Supervisor Teal stated that we have received free playground equipment from the Berlin Central School District and she is planning the installation of the new park playground equipment for May 14 & 15. We are looking for volunteers to assist on these two days to get the new playground up. Councilmember Smith suggested that we reach out to the High School to see if any student's would like to help. Doug Banker suggested that we reach out to Darrow School and see if they would like to do a hands to work program to help with installation.

Supervisor Teal requested board authorization to expend some funds for the parts, chips and cement needed to get the new playground up. She doesn't have an exact amount but is estimating that it will be less than \$5,000 and she is hoping it will be much less than that. She recommends taking this money from the Shatford Park Capital Reserve Account. Councilmember Smith asked how much money was left in that account after the tennis courts. Supervisor Teal stated that there is \$10,000 left.

Councilmember Smith made a motion to authorize up to \$5,000 to be spent from the General Fund – Capital Reserve - Shatford Park Account (A-873) on the installation of the new playground equipment. Councilmember Evans seconded that motion.

Roll Call Vote:

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

The motion passed.

Supervisor Teal stated that she is planning a ribbon cutting day for the new playground on Sunday, June 12<sup>th</sup> and she has asked Wes Powell to do a pig roast on that day. He has offered to donate everything except the cost of the pig which is \$425.

Councilmember Smith made a motion to authorize \$425 to be spent on the pig roast for the ribbon cutting ceremony on Sunday, June 12<sup>th</sup>. Councilmember Gerald seconded that motion.

Roll Call Vote:

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

Councilmember Baumli – Aye

The motion passed.

**Senior Class Project:**

Supervisor Teal read the following letter aloud received March 9, 2016 from Matthew Klafehn, Principal of NL Jr/Sr High School:

Dear Supervisor Teal and Members of the New Lebanon Town Board:

I wanted to thank you for coordinating efforts with Michelle Bienes, Advisor to the Class of 2016, to develop what we hope to be a lasting initiative that benefits both our school and town. I recognize that the picnic table and the supplies that will allow our students to contribute to the clean-up and beautification of Shatford Park have been made possible by town funds. I thank you for both your generosity and eagerness to work with representation from the school to forward this outstanding idea! I thank you for your partnership. If I can ever be of any assistance to you, please do not hesitate to contact me.

Supervisor Teal stated that there were some concerns about using the picnic tables at the Pavilion because they are pressure treated wood and were donated by Malcolm Larabee. Councilmember Smith reached out to New Britain Log and Lumber and they are going to provide the picnic table for this year's senior class project. Supervisor Teal thanked New Britain Log and Lumber for their donation and will follow up with a thank you letter to them.

**CAC Appointment:**

Supervisor Teal stated that we have a vacancy on the CAC and we have a letter of interest from Peg Munves. The appointment will be for a 2 year term that would have started January 1, 2016 and expires December 31, 2017. The position has been vacant for quite some time.

Supervisor Teal made a motion to appoint Margaret (Peg) Munves to the vacant CAC position to expire December 31, 2017. Councilmember Smith seconded that motion. The motion passed unanimously.

**Ethics Board Resignation & Appointment:**

Supervisor Teal stated that Jack Yurish has resigned from the Ethics Board. She has a certificate of appreciation for Jack Yurish for his service to the Town of New Lebanon on the Ethics Board which will be mailed to him.

Supervisor Teal made a motion to accept the resignation from Jack Yurish. Councilmember Smith seconded that motion. The motion passed unanimously.

Supervisor Teal stated that the town received a letter of interest from Jeannine Tonetti for a position on the Ethics Board. The Town Board interviewed her before the January 2016 Ethics Board appointments and she is still interested in serving on the Ethics Board for the balance of the term that expires December 31, 2017.

Supervisor Teal made a motion to appoint Jeannine Tonetti to the vacant Ethics Board position to expire December 31, 2017. Councilmember Smith seconded that motion. The motion passed unanimously.

Supervisor Teal made a motion to authorize the Ethics Board to meet with the Town Attorney to discuss their questions. Councilmember Smith seconded that motion. The motion passed unanimously.

**Crime Insurance Update:**

Supervisor Teal stated that a year or two ago we had switched the crime coverage to a one million dollar coverage across the board to cover all town employees. Her concern was that there are a couple positions including Town Supervisor and Tax Collector that have significantly higher exposure than one million dollars. She sat down with Peter Fingar from Fingar Insurance, our agent and Karen Buckley from NYMIR to discuss what the full exposure is and they have provided, in writing, that they are comfortable with that coverage. This makes her more comfortable as they are aware where the exposure is.

Councilmember Smith asked the Town Attorney if we have enough coverage and he stated that we have more than most municipalities.

**Solar Arrays – Update:**

Supervisor Teal stated that she is still looking into solar options for the Town facilities. She is talking to Ron Knott, the Supervisor in Stuyvesant because they used a program to install solar panels on their town hall. That particular program may not still be in effect but she is looking into it. Her goal is to find a way to install solar with grant funding so we aren't paying for it upfront, but we are the ones getting the revenue check if there is excess.

**NL Farmer's Market:**

Cynthia Creech stated that she has spoken with the Town Board, the Zoning Board of Appeals and the Planning Board regarding the Farmer's Market relocating to Shatford Park. She distributed to the Town Board maps of the proposed location in the park for the market as well as copies of pages from our Comprehensive Plan that speak to the town's position and responsibility to support farming and agriculture and small businesses. She stated that the market would run from June 5 through October 9. The vendors would set up on the other side of the stream from the baseball fields in a semi-circle as depicted on the map. There is a utility pole with electricity there that the market would need to use. There would be 8-12 vendors each using 10X10 foot canopies weighted to prevent blow away. There would be live music. Typically some of the community organizations come set up a tent and it is open to any community organization that would like to come. The comprehensive plan speaks to the growth of business, meeting the needs of the community, and creating an environment that is supportive of farming. The Planning Board seemed to be comfortable with the Farmer's Market setting up in the park without any permits or ordinance problems. The Town Attorney agreed. The Zoning Board of Appeals did not have any problems with it. This does not address signs. The Farmer's Market could pay \$25 per Sunday to use the park.

Supervisor Teal stated that we charge \$50 for the pavilion rental which includes kitchen facilities, setting up and cleaning up by town staff, and other things that would not be needed for this type of rental so she feels \$25 is fair. Moving forward she would like to see this option be available for any business or organization in the community to utilize.

Cynthia Creech addressed Councilmember Smith's previously voiced concern regarding insurance coverage stating that she and Supervisor Teal spoke with the town's insurance representatives and they said that there would be no problem and they stated that there are many towns that have the farmer's market using the municipal property. Cynthia Creech addressed Councilmember Baumli's previously voiced concerns regarding the narrow driveway in and out of that section of the park, adequate parking in that section of the park and interruption of the neighborhood on a Sunday stating that the farmer's market will not have as many cars or people as the little league has and they will not make any more noise than the little league does.

Councilmember Smith asked if attendees of the market would need to park on the little league side and then walk across the bridge to the other side. Cynthia Creech stated that they would have to walk over the stream from the parking area to the vending area. Supervisor Teal asked Scott Larabee if there is still a walking bridge over the stream and he answered no.

Cynthia Creech stated that they are possibly still going to stay at Windswept Farm but there are a lot of pieces still up in the air and she is requesting a motion to allow the farmer's market to use the park and she would like to know if this board would support the farmer's market in this town.

Councilmember Baumli asked if the farmer's market would have insurance in case someone were to get hurt. He stated that for little league everybody stays on that side of the bridge, but with the farmer's market you will have pedestrians crossing back over that bridge as you have double traffic going over and coming back and that is his concern. He asks if there was an accident who would be liable when they sue for damages. The Town Attorney responded that they would sue the farmer's market, they would sue the town and they would sue any other parties that would be involved.

Councilmember Geraldi stated that if they were to make a decision based on that concern they should close the little league, close the pavilion, and close the park. Councilmember Evans stated that they should make a good faith effort to make it a little safer and suggested that they could make a barrier and railing to section off a walking path across the bridge that could be moved in for the farmer's market and then removed after the market. Doug Banker spoke about the danger of the bridge for all people using the park and it should be completed for safety.

Cynthia Creech stated that the farmer's market does not have the type of insurance that Councilmember Baumli is asking about. Each vendor carries product liability insurance to cover injuries that could occur from their products. The Town Attorney stated that the town has a primary policy that will cover it but the board can decide if this is something that they are willing to cover.

Councilmember Smith stated that we could look into putting the walking bridge back up for pedestrians to cross the stream safely. Supervisor Teal stated that from her perspective, this is in line with her desire to see the vitality of the town increased. She stated that an involved town has more appeal and when you see a farmer's market occurring at a town facility it shows a more vital, engaged town. Doug Banker stated that the farmer's market is a community gathering space provided to the residents of this town which is needed in our town.

Supervisor Teal made a motion to allow the farmer's market to be in Shatford Park for 1 year at the rate of \$25 per Sunday. Councilmember Evans seconded that motion.

Roll Call Vote:

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

The motion passed.

**Sign Ordinance:**

Supervisor Teal reminded everyone that the sign letter that went out with the sign legislation gave until the 15<sup>th</sup> for businesses to come into compliance. Friday is the 15<sup>th</sup> and inspections will begin that day for compliance with our sign law.

**NEW BUSINESS:**

**Microphones:**

Town Clerk Houghtling stated that Supervisor Teal had requested a price quote on a microphone system for the meeting room because numerous complaints have been made that you cannot hear the town board in the audience when the heat or air conditioning systems are running. She stated that Ted Fiebke came and helped find a system that was reasonably priced yet would provide the quality needed. The least expensive microphone found that received great reviews is a Pyle Pro Table Top Condenser Microphone and they are each \$27.57 so if you purchased 5 for the board members, it would be around \$150. Then you would need a PA mixer/amplifier for the microphones to plug into and the least expensive one found that received great reviews is a Pyle Pro 8 channel powered PA mixer/amplifier for \$144.99. The mixer/amplifier would need to then be wired to a set of speakers. Two sets of speakers were presented, an in wall pair of speakers by JBL for \$170.28 and a mounted speaker set by Bose for \$158.00. The complete system would cost around \$500 for a 5 microphone system and 2 speakers. Ted Fiebke and Town Clerk Houghtling volunteered to attempt the installation of the system as they both have knowledge in PA systems, but if they were to run into interference with the electrical wires, the town might need to pay for professional installation.

Councilmember Smith asked if she had looked into wireless microphone systems. Town Clerk Houghtling stated that she did look into them however the cost is much higher for a wireless system.

Deputy Supervisor Creech suggested that we ask the court if they would like to go in on the cost of the system as it is a major problem that the court encounters where the Judge can seldom be heard in the courtroom when the heat or air is on. Supervisor Teal asked if there was JCAP money available. Deputy Supervisor Creech stated she is unsure if JCAP money was awarded to the court this year or not. Town Clerk Houghtling stated that she does not believe JCAP funds were applied for this year. Supervisor Teal stated that she will check with the Judges to see if they have money in their budget and would like to share the cost of the system.

Supervisor Teal made a motion to approve up to \$500 for the microphone system purchase. Councilmember Geraldi seconded that motion.

Councilmember Smith suggested that they approve more than \$500 as just the cost of the equipment is almost \$500 and you will need speaker wire, cables and other necessary installation equipment.

Supervisor Teal amended her motion to approve up to \$650 for the microphone system purchase. Councilmember Geraldi seconded the amended motion.

Roll Call Vote:

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

The motion passed.

**Broadband Committee (Update on County-wide initiative):**

Supervisor Teal requested board authorization to establish a broadband committee as an advisory board. She stated that County-wide they had a broadband study done by ECC Technologies and then a proposal. This was geared up for Cuomo's broadband to the home initiative and the 500 million dollars that was going to fund that. But apparently with the Time Warner/Charter merger we became exempt from that funding so that whole proposal is being re-considered. There is about 4% of the County that is going to qualify for the first round of funding under Cuomo's initiative. With that gotten de-railed, two things have transpired. There is a group that met in Ghent including Supervisor's from most of the Towns in this County as well as some from Greene County, Richmor Aviation, The Hospital, Hudson City Economic Development, Columbia Economic Development, and representatives from Gibson's office and Didi Barrett's office. What the proposal is at this point is to form a County wide committee to work on broadband. This committee would have representatives from every Town as well as the bigger companies with a commitment to come to the table and stay at the table until every town in the County has their needs met. Also our Assembly people are

working on this also from the Federal level. They are looking at the County as a whole and E rate federal funding to include the libraries and the schools. Supervisor Teal was told by a representative from Mr. Gibson's office that New Lebanon is rich in dark fiber and she has researched it and found 6 companies that have fiber optic cables in our Town, not including our telephone, cable television or internet cables. Two lines are long haul lines that run Albany to Boston and it is very hard to tap into those. The other 4-5 lines are short haul lines that have the potential to be tapped into which would be our first step. This puts us in a much better situation than much of the rest of the County. The Western side of the County has much better coverage but the Eastern side of the County is very limited with only Fairpoint for internet and only Charter for cable television. Hillsdale doesn't even have it for the libraries and schools.

Supervisor Teal is looking to set up the broadband committee to look at issues here in New Lebanon as well as having a representative on the County wide steering committee. Councilmember Smith asked how many people she is looking for on the committee. Supervisor Teal stated that she will wait to see how much interest there is in the community. Jagat Pandey asked how many members will be from the Town Board. Supervisor Teal stated that it will be all members of the public, no Town Board members. She is looking for people who either have some background or knowledge in technology or that have a very strong interest in this and a commitment to being involved. Doug Banker stated that it is very important to our community to have good quality broadband available to them. People and businesses looking to locate here look at the quality of broadband available as a deciding factor.

Supervisor Teal made a motion to authorize a broadband committee to be set up in an advisory capacity. Councilmember Smith seconded that motion. The motion passed unanimously.

### **Policy Review - Personnel:**

Supervisor Teal stated that she would like to discuss some different options and then trim down the agenda for May and put this on the agenda for May. Her biggest concern is the buyout of the unused sick and personal time. In all the research that she has done, she has not found other towns offering that. She stated that Councilmember Baumli had brought up previously that our vacation time was very weak and that is one of the first things she noticed when she started working for the Town. We currently max out at 3 weeks but earn only one day per year after your first year and she would like to have us look at increasing that and providing a quicker accrual and to cap out at 4 weeks at 10 years of employment. She would like to say that anyone that resigns between January 1<sup>st</sup> and June 30<sup>th</sup> is only entitled to two weeks pay out of their unused vacation time and if they resign between July 1<sup>st</sup> and December 31<sup>st</sup> they would be entitled to the full pay out of their unused vacation time. She would like to allow employees to rollover two weeks of vacation time until June of the following year if they have not used it by the end of the year. On sick and personal time she would like to see us increase the amount of time that can be rolled over only after the buyout option is removed. She wants to ensure that when overtime is calculated, employees don't have to earn back a holiday. She would also like to remove the meal allowance as it is not utilized.

Councilmember Smith asked Highway Superintendent Winestock if he had asked his employees about the ideas of changing vacation time and sick and personal time as the Town Board had requested their input. Superintendent Winestock stated that his employees felt the same way he did that it shouldn't be changed. Supervisor Teal asked Superintendent Winestock if he had considered the hiring of new people and the improvement proposed for earning vacation time more quickly. He responded that any time we have ever looked at the personnel policy the Town Board is trying to take things away but it would be nice to have another week of vacation time and allow new employees to accrue vacation time more quickly.

Councilmember Baumli stated that he feels that 12 days of sick and personal time is excessive. He feels that the increased accrual of sick and personal time may not be necessary now that Cuomo has passed the bill for paid family leave.

Supervisor Teal asked all Town Board members to take a look at the proposed changes and bring any ideas to next month's meeting. The policy review of the personnel policy was tabled until the May meeting.

**Jury Trials Policy:**

Supervisor Teal stated that we had a jury trial in the court and we currently have no policy for feeding jurors and we are required, according to the Judge, to provide at least one meal so we did end up with a rather interesting voucher for food for the jurors in our last trial. Councilmember Baumli asked if this is just a requirements for towns to feed jurors as he was in county for jury duty and nobody bought him lunch. Supervisor Teal stated that the Judge told her they were required to feed the jurors one meal. She feels there should be a limit in place such as \$15 per person that we will spend on feeding the jurors lunch. The Town Attorney was unsure of the rules here but will look into it to see if we are, in fact, required to feed lunch to the jurors.

**Park – Gas Stove Donation for the Pavilion:**

Supervisor Teal stated that we received a donation of a gas stove for the pavilion from Scott and Malcolm Larabee. She has confirmed with both the Department of Health and NYMIR that there is not issues it just needs to be installed by a certified installer and we are using an anti-tip bracket. The Town Board thanked them for their donation.

**Request For Credit Limit Increase on Home Depot Credit Card:**

Supervisor Teal stated that both Scott Larabee and Donnie Sears use the Home Depot Credit Card for the Town Hall and the Park. The current limit is \$500 and if we have a delay in billing and they are both working on projects, the limit gets reached. She would recommend increasing the credit limit to \$750 or \$1,000.

Councilmember Smith made a motion to increase the credit limit on the Home Depot Credit Card to \$750. Councilmember Baumli seconded that motion. The motion passed unanimously.

**LVPA Contract Amendment:**

Supervisor Teal stated that the LVPA is requesting an amendment on their 2016 contract. It currently reads that the 990 will be provided within 30 days of the end of

their fiscal year. They do not complete the 990 until later in the year and they would like the amendment to read that they will provide the 990 to the Town by the July meeting of the Town Board.

Supervisor Teal made a motion to amend the 2016 contract with the LVPA to state that the 990 is due to the Town by the July meeting of the Town Board and to have the Town Attorney prepare the amendment to the contract and authorize the Town Supervisor to execute the amended contract. Councilmember Smith seconded that motion.

**Roll Call Vote:**

Councilmember Geraldini - Aye

Councilmember Smith – Aye

Supervisor Teal – Aye

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

Councilmember Baumli – Aye

The motion passed.

**Attorney Referrals:**

Supervisor Teal stated that we don't have anything yet on the derelict/abandoned/foreclosed properties. She turned the floor over to the Town Attorney, Dan Tuczinski to review the proposed local laws on value added contracts and dog law amendments – kenneling fees.

Attorney Tuczinski handed out drafts of the proposed local law on value added contracts to the Town Board members for their review. He stated that we are typically responsible under the General Municipal Law to bid contracts and award it to the lowest responsible bidder. Sometimes that works a disadvantage for the municipality because their might be someone with better credentials or better qualifications who might be able to add additional value. Sometimes these lowest responsible bid contracts are complicated. The State amended the law to allow municipalities upon adoption of a local law to go to a more general best value contract so you can look at different contracts, compare them and you don't always have to go with the lowest price if a bid brings more value to the town in certain defined ways. The Town Board cannot adopt the proposed law tonight as it must be on their desk for at least 7 days. He proposes putting it on the agenda to possibly adopt at next month's meeting so everybody has a chance to look at it and he can furnish a finalized version for that meeting.

Attorney Tuczinski handed out drafts of the proposed local law on the dog law amendment pertaining to kenneling fees and a proposed resolution to set the current kenneling fees to the Town Board members for their review. He stated that our current dog law sets out the fees to be charged when someone violates our dog laws. He distributed copies of our current dog law to the Town Board members. He stated that our current law is inflexible in that it mandates a certain fee and certain period of time. There is no flexibility to change the rates and what the town may want to do with the Humane Society. He is proposing that we make our law more flexible and adopt a local law that allows us to vary the fee schedule from time to time by resolution.

Supervisor Teal made a motion to schedule a public hearing on the proposed local law regarding the dog law amendment regarding kenneling fees on Tuesday, May 10<sup>th</sup> at 6:50pm and to schedule a public hearing on the proposed local law regarding value added contracts on Tuesday, May 10<sup>th</sup> at 6:55pm. Councilmember Smith seconded that motion.

Roll Call Vote:

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

The motion passed.

**COMMITTEE REPORTS:**

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

Councilmember Evans stated that all exemptions have been processed and the Chatham School District is now allowing for veterans exemptions. The Assessor automatically processed anyone that was entitled to it. Eleven exemptions were removed this year for failure to re-apply. The final date to apply for an exemption was March 1<sup>st</sup>, it is the same deadline every year. Exemption renewal notices are sent 3 months in advance and all exemptions can be mailed in. The best way for a taxpayer to keep their exemption is to respond immediately when the renewal notice is sent out.

Supervisor Teal read from a letter received from the State Department of Taxation and Finance addressed to Supervisor Teal. "*Congratulations, your municipality has met the requirements for aid for Cyclical Reassessment on your 2015 Assessment Roll. By your successful completion of these requirements, the taxpayers in your community are receiving the benefits of equitable assessments that reflect current market value. I commend your assessor for maintaining a system of real property tax administration that meets the highest standards set by the State. Such efforts are essential to guarantee equity and fairness to the taxpayers of your municipality.*"

Supervisor Teal thanked Kim Cammer, Assessor for doing a wonderful job. We are getting back \$5,427.17 in State Aid for her efforts.

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

No report.

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

Deputy Supervisor Creech welcomed new member Peg Munves to the CAC. She stated that they continue to work on the natural resources inventory on the computer and mapping end of it and as the weather gets nicer they will get out and do the field work. Bruce Shenker reported some highlights from the County meeting of the Environmental Management Council. They had a presentation from the healthy neighborhoods program which seeks to reduce the burden of housing related illness and injury through a holistic healthy homes approach. This is a free service in which they do a home visit

and assess for environmental health and safety issues. The County is also trying to organize to do a natural resources inventory in which the Town of New Lebanon might be of some assistance since we are also doing one here. There is a renewal of the GIS training on April 28<sup>th</sup>, 2016 and any Town Officials may attend. There is also a good earth keeping award program sponsored by the Environmental Management Council and nominations need to be in soon. There is a gardening day from Cornell this Saturday it's a full program with workshops. He also reported of a meeting with Congressman Gibson who spoke of the importance of local towns becoming Climate Smart Communities. Bruce Shenker stated that there is a climate forum next Tuesday, April 19<sup>th</sup> at the New Lebanon Library at 6:30pm. He requested that the Town Board co-sponsor this event.

Supervisor Teal made a motion to co-sponsor the Climate Forum at the New Lebanon Library next Tuesday, April 19<sup>th</sup> at 6:30pm. Councilmember Evans seconded that motion. The motion passed unanimously.

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

Councilmember Smith stated that there are some training courses being offered by the LVPA for its members. He stated that the LVPA will be holding a Tag/Rummage Sale on April 30<sup>th</sup> from 10am-4pm, a Fish Fry on May 27<sup>th</sup> from 5pm-8pm, a Chicken BBQ on June 11<sup>th</sup> from 5pm-8pm, and a car wash on July 9<sup>th</sup> from 10am-4pm. All four events will be held at the New Lebanon Station, 523 Route 20.

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

Supervisor Teal stated that we received additional funding this year for CHIPS which is our State funding that comes down. We get \$108,261.26 annually and this year with the PAVE NY program, we are getting an additional \$24,711.71 which will go specifically to a paving project.

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

Steve Oberon stated that the Lebanon Valley Historical Society is clearing vegetation and locating buried stones and doing an inventory on stones at the Cypress Hill section of the Evergreen Cemetery on May 7<sup>th</sup> from 9am-1pm and they are in need of volunteers. Rain date is May 14<sup>th</sup> at the same time.

Councilmember Baumli stated that he spoke to someone at the State division of cemeteries and there are no state guidelines on how to fix abandoned cemeteries. He would like to schedule a meeting with the Lebanon Valley Historical Society, the Town Historian, some of the Evergreen Cemetery Board Members, Sharon Moon and other active members of the public interested in helping to clean up the abandoned cemeteries in town. He is hoping that we can come up with a plan of how to work on them so there is consistency in how the cemeteries are being worked on. Councilmember Baumli asked Sharon Moon to submit a written plan to the Town Board on how she would like move forward with the work on the cemetery on County Route 5.

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

No report.

***Parks & Recreation (Supervisor Teal):***

No report.

***Seniors (Councilmember Baumli & Phyllis Hulbert):***

No report.

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

Supervisor Teal stated that she has reduced the number of chairs in the town meeting room to 40 chairs so that we are in compliance with the posted 49 person capacity.

***LVPA Building (Gerald):***

Supervisor Teal stated that she had an informational meeting with the LVPA and their architect and consultant for the proposed building project.

***County Updates:***

Supervisor Teal stated that the majority of what they have been working on at the County level is the broadband, the Rail Trail and Pine Haven.

**ANNOUNCEMENTS:**

Tuesday, May 10<sup>th</sup> is the Public Hearing for the proposed Local Law amending our current law regarding Kenneling Fees of Dogs at 6:50pm at the Town Hall.

Tuesday, May 10<sup>th</sup> is the Public Hearing for the proposed Local Law regarding Value Added Contracts at 6:55pm at the Town Hall.

Tuesday, May 10<sup>th</sup> is the Regular Monthly Meeting at 7:00pm at the Town Hall.

**BUDGET AMENDMENT:**

**Amendment # 4 of 2016:**

**General Fund:**

\$1,225	from A-1990.4 (Contingent)
\$725	to A-1670.41 (Central Printing and Mailing: Newsletter)
\$500	to A-7310.41 (Youth Programs: Sr. Class Project)
\$200	from A-1670.4 (Central Printing and Mailing: Cont. Exp.)
\$200	to A-1670.2 (Central Printing and Mailing: Equipment)

A motion was made by Supervisor Teal, seconded by Councilmember Smith, and approved unanimously to approve the above noted amendment to the 2016 Budget.

**Abstract No. 3 of 2016 AMENDMENT:**

Supervisor Teal stated that there was a duplicated payment for voucher number 82. The check was voided resulting in a \$49.26 difference in the Abstract. Abstract number 3 of 2016 need to be amended to read: General Nos. 52 through 82 in the amount of \$78,788.49; as listed on Abstract Number 3 of 2016 dated March 9, 2016.

A motion was made by Supervisor Teal, seconded by Councilmember Evans and approved unanimously to amend the abstract and approve the amended abstract.

**AUDIT OF BILLS:**

**General No. 83 in the amount of \$225.00;  
As listed on Abstract 3A of 2016 dated April 12, 2016.**

**Escrow No. 2, in the amount of \$110.00;  
General Nos. 84 through 123, in the amount of \$28,375.78; and  
Highway Nos. 24 through 41, in the amount of \$36,643.82;  
As listed on Abstract # 4 of 2016, dated April 12, 2016.**

A motion was made by Supervisor Teal, seconded by Councilmember Smith, and approved unanimously (Councilmember Geraldini abstained) to pay the above noted claims from their respective accounts.

**PRIVILEGE OF THE FLOOR:**

**Ben Wheeler** addressed the Town Board and stated that the courses that Councilmember Smith mentioned that are being held at the Firehouse are County sponsored Fire Training Courses. Each Fire Chief in the County submits a request for training to the fire coordinator. That list is some of the courses that the LVPA has requested and they will not only be attended by LVPA members but also by anyone else in the County that wants to take the course.

**Doug Banker** addressed the Town Board and stated that he gave up his Ukelele jam that he goes to on Tuesdays to attend this Town Board Meeting and he thought he was going to regret it but he was happy to attend and he will be back.

**ADJOURNMENT:**

A motion was made by Councilmember Smith and seconded by Supervisor Teal to adjourn the meeting at 9:30 p.m.

Respectfully submitted,

Tistrya Houghtling  
New Lebanon Town Clerk