

**MINUTES OF THE REGULAR MEETING OF
THE TOWN BOARD OF THE TOWN OF NEW LEBANON
HELD ON MAY 10, 2016**

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

Recording Secretary: Tistrya Houghtling, Town Clerk

Others Present: Cynthia Creech, Deputy Supervisor; Court Clerk;
Recreation Commission, CAC, & Zoning Re-Write
Committee Member
Peg Munves, CAC
Rocky Brown, Ethics Board Member
Ben Wheeler, LVPA
Ted Salem, Zoning Board of Appeals & Zoning Re-Write
Committee
Steve Oberon, LVHS
Bruce Shenker, Enviro. Mgt. Council Representative
Scott Larabee, Building Maintenance
Judy Zimmer, Cleaner
Phyllis Hulbert, NL Rep for CC Office for the Aging
Thaddeus Flint, Reporter for *The Eastwick Press*
Ellyn Gaydos, Reporter for *The Columbia Paper*
Gail Heinsohn, Reporter for *The Chatham Courier*
Several members of the public

CALL TO ORDER:

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

MINUTES:

The minutes of the **April 12, 2016 Regular 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 provided the public and Town Board members with a copy of the Supervisor's Report as of April 30, 2016. A motion was made by Councilmember Smith, seconded by Councilmember Evans and approved unanimously to accept the Supervisor's report.

PRIVILEGE OF THE FLOOR:

Jagat Pandey addressed the Town Board and stated that Rocky Brown has won an award at the County Level for Best Democratic Chairman in Columbia County.

J.J. Smith addressed the Town Board and stated that there has been a Coyote problem lately in New Lebanon and asked if the Town has received any other complaints from residents. She stated that they are going into people's yards and right up to their houses. Supervisor Teal stated that any resident having issues with Coyote's can call Wes Powell, our animal control officer.

OLD BUSINESS:

RESOLUTION #9, 2016 ~ STANDARD WORK DAY AND REPORTING RESOLUTION FOR 2016:

Discussion:

Supervisor Teal stated that the Standard Work Day and Reporting Resolution for 2016 is to catch up on reporting for retirement for the past couple of years. Our staff started receiving certified letters from the Office of the New York State Comptroller Employees' Retirement System stating that they have not received a satisfactory response to their correspondence dated November 14, 2013 and May 15, 2014 and if they do not receive the required information it may result in the suspension of the crediting of salary and service earned with the Town of New Lebanon. Supervisor Teal stated that there may be a few more errors that will need to be fixed moving forward but adopting this Resolution will correct most of the issues.

Town Clerk Houghtling stated that in the letter she received it stated that there were years past that were not properly filed, but this Resolution only sets out the year 2016. Supervisor Teal stated that NYS Retirement advised her to submit this Resolution with the current employees and positions and that will fix the 3 years of arrears.

Councilmember Baumli asked if the employees will receive a letter stating that everything has been resolved with the past years that were not reported. Supervisor Teal stated that they will all get a follow up letter from NYS Retirement stating that everything has been resolved.

Councilmember Smith stated that this is being done because it was not done properly, or at all, in the past few years.

The following resolution was proposed by Councilmember Kevin Smith Sr. and seconded by Supervisor Colleen Teal.

Standard Work Day and Reporting Resolution for 2016

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

Title	Name	Standard Work Day (Hrs/day)	Term Begins/Ends	Participates in Employer's Time Keeping System	Days/Month (based on Record of Activities)
Elected Officials					
Highway Superintendent	Jeffrey Winestock	6	1/1/2016 – 12/31/2017	No	28.46
Town Supervisor	Colleen Teal	6	1/1/2016 – 12/31/2017	No	37.36
Town Clerk	Tistrya Houghtling	6	1/1/2016 – 12/31/2017	No	27.54
Town Justice	Jessica Byrne	6	1/1/2014 – 12/31/2017	No	4.64
Town Board	Charles Geraldi	6	01/01/2014-12/31/2017	No	3.00
Tax Collector	Tamara Darcy	6	01/01/2016-12/31/2017	No	3.45
Appointed Officials					
Deputy Town Clerk	Marcie Robertson	6	1/1/2016-12/31/2016	Yes	N/A
Building Department Clerk	Hazel (Cissy) Hernandez	6	1/1/2016-12/31/2016	Yes	N/A
Court Clerk	Cynthia Creech	6	1/1/2016-12/31/2016	Yes	N/A
Code/Zoning Enforcement Officer	Kent J. Pratt	6	1/1/2016-12/31/2016	No	20.36
Animal Control Officer & Town Constable	Willard Powell	6	1/1/2013-12/31/2016	No	4.25
Assessor	Kimberly Cammer	6	1/1/2016-12/31/2016	No	9.89
SYP Program Director	Michelle Bienes	6	1/1/2016-12/31/2016	No	8
Highway MEO	John McLaughlin	6	N/A	Yes	N/A
Highway MEO	Todd Hover	6	N/A	Yes	N/A
Highway MEO	Peter McCagg	6	N/A	Yes	N/A
Assessor's Clerk	Lisa Henry	6	01/01/16-12/31/16	Yes	N/A
Deputy Court Clerk	Rebecca Rothrock	6	01/01/16-12/31/16	Yes	N/A
Park Maintenance Super.	Donald Sears	6	01/01/16-12/31/16	Yes	N/A

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

Roll Call Vote:

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

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.

Park Playground Install:

Supervisor Teal stated that the park playground installation is this weekend, May 14th from 10am until 4pm and May 15th from 11am until 3pm and she hopes to see everybody there to volunteer. If you are planning on coming and volunteering, some of the items that we could use are ladders, wheelbarrows for mixing cement, pointed shovels, cement hose, rags, buckets and work gloves. She is also looking for a cement mixer that works on electricity.

Supervisor Teal stated that she ordered the replacement parts which came to \$1,279.50, she ordered the concrete which came to \$650, and the bolts, nuts and washers needed were also ordered. Columbia County Highway Department will give us woodchips for the playground for free but she needs to check with the Department of Health if it's okay to use them as they have twigs and such in them.

Councilmember Smith stated that Adam Peterson has said that if the Town buys the paint, he will donate his services with his paint sprayer to paint the playground equipment once it is up.

Supervisor Teal stated that the Community Day is on June 12th from noon – 6pm and there will be a pig roast, music, and fun activities. Town Clerk Houghtling stated that she has been reaching out to many non-profit and community organizations here in Town asking if they would like to set up a table at the Community Day and host some sort of family fun activity. If there are any organizations that she has missed that would like to be involved in the Community Day, please call her office at 794-8888.

Ethics Board Meeting with Attorney:

Supervisor Teal stated that the Ethics Board met with the Town Attorney last night. Ethics Board Member Rocky Brown stated that the meeting went very well and thanked the Town Board for making the meeting possible.

NL Farmer's Market Update:

Supervisor Teal stated that the market is still unsure as to whether they will be relocating to Shatford Park this summer or not.

Broadband Committee Update:

Supervisor Teal stated that almost 100% of the Towns in Columbia County are participating in the County Wide Broadband Committee. The State Broadband Program Office (BPO) has agreed to meet with the County Committee. They will be getting the maps of the entire County, including dark fiber, that were prepared by ECC Technologies and they can use them as a resource at the meetings but cannot do pictures or photocopies of them. There is a big push County Wide to make something happen here.

Policy Review - Personnel:

Supervisor Teal stated that she went through the personnel policy and has some recommendations. If the board approves any changes to the personnel policy she would then like the Town Attorney to amend this section of our law to make it official.

Supervisor Teal recommended the following changes to the personnel policy:

-Under §31.9 – Overtime; meal allowance – Section A – She would like it to be re-worded so that employees would not be penalized for holiday hours (if they had a holiday on a Monday and then got called in to work a storm, they would not need to make up those holiday hours before being eligible for overtime hours). She would like to leave it the way it is with the sick and personal and vacation hours that they would need to make them up before being eligible for overtime hours. Section B – In the 14 years she has been here, we have never used the meal allowance, so she would like to remove this section in its entirety.

-Under §31.12 – Leave Policies – Section D (1) – She would like to remove the third sentence, reading “Unpaid sick and personal time will be paid back to employees at the end of each calendar year at the employee’s option.” Section D (2) – She would like to replace this section in its entirety as we have nothing in the policy stipulating that we will pay out accrued sick and personal time. She would like Section D (2) to read that upon termination of employment there is no pay out for unused sick and personal time. Section E (1) – She would like to have it read that employees receive 5 days vacation time after one year of service, 10 days after two years of service, and 1 day per year for each year after two with a maximum of 20 days. She would like it to stipulate that up to 5 days may be carried over to June 30 of the following calendar year to ensure that the Highway Department is able to utilize all of their vacation time even if there are storms which may prevent them from taking their vacation time at certain times of the year. Section E (2) – She would like to stipulate that when someone leaves employment with the Town, if they resign between January 1st and June 30th, they will only be eligible to be paid for 50% of their unused vacation time. If they resign between July 1st and December 31st, they will be eligible to be paid for 100% of their unused vacation time.

Supervisor Teal asked the Board if anybody else had any recommendations, questions, or comments regarding the Personnel Policy changes.

Councilmember Smith made a motion to approve all of the above recommended changes to the Personnel policy. Supervisor Teal seconded that motion.

Roll Call Vote:

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

RESOLUTION #10, 2016 ~ JURY TRIALS POLICY - ESTABLISHING A MEAL ALLOWANCE FOR JURORS:

Discussion:

Supervisor Teal stated that there is no requirement for the Town to provide any meals to the jurors serving on a jury trial at the New Lebanon Town Court, unless they are sequestered. The Judges have requested that we allow the Town Court to purchase lunch for jurors. If we look at our travel policy for reimbursement, we have set \$15 as a maximum for lunch. The Judges have asked for \$100 to feed jurors lunch. Typically it is 6 jurors. If you use the \$15 lunch allowance and multiply it by 6 jurors, it is \$90 which is only a \$10 difference in what the Judges are requesting. In the last 5 years, there were no jury trials. We had one a month or so ago and have one scheduled for June but they are not common. This would come out of the Court's budget.

The following Resolution was proposed by Councilmember Smith and seconded by Supervisor Teal.

AUTHORIZATION TO ESTABLISH A MEAL ALLOWANCE OF \$100 PER DAY TO FEED JURORS SERVING ON A JURY IN THE NEW LEBANON TOWN COURT

BE IT RESOLVED THAT the New Lebanon Town Board hereby establishes a meal allowance of up to \$100 per day for the purpose of feeding Jurors serving on a Jury in the New Lebanon Town Court to be budgeted out of the Justices Contractual Expense Account A-1110.4.

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

Roll Call Vote:

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

LVPA Contract Amendment:

Supervisor Teal stated that she is needing to table the LVPA contract amendment until next month as the Attorney did not get it to her yet.

Resolution #11 ~ BACKHOE PURCHASE – RESOLUTION AND DECLARATION OF OFFICIAL INTENT:

Discussion: Supervisor Teal stated that the board has already authorized the financing of the Backhoe however this is a specific Resolution that First Niagara needs. The second page is authorizing Supervisor Teal to execute the documents. It states that the useful life of the Backhoe is 10 years and the term of the lease will not exceed 3 years.

The following Resolution was proposed by Councilmember Smith and seconded by Councilmember Evans.

**RESOLUTION AND
DECLARATION OF OFFICIAL INTENT**

Lessee: Town of New Lebanon
Principal Amount Expected To Be Financed: \$55,000.00

WHEREAS, the above Lessee is a political subdivision of the state in which Lessee is located (the "State") and is duly organized and existing pursuant to the Constitution and laws of the State.

WHEREAS, pursuant to applicable law, the governing body of the Lessee ("Governing Body") is authorized to acquire, dispose of and encumber real and personal property, including, without limitation, rights and interests in property, leases and easements necessary to the functions or operations of the Lessee.

WHEREAS, the Governing Body hereby finds and determines the execution of one or more lease-purchase agreements ("Equipment Leases") in the principal amount not exceeding the amount stated above ("Principal Amount") for the purpose of acquiring the property generally described below ("Property") and to be described more specifically in the Equipment Leases is appropriate and necessary to the functions and operations of the Lessee.

Brief Description of Property:

One (1) New 2016 CASE 580SN WT Tier IV Final Loader Backhoe Serial #NFC7231687 with a New 2016 93" 4/1 Bucket Serial #H014102 including all attachments and accessories

WHEREAS, First Niagara Leasing, Inc. ("Lessor") is expected to act as the Lessor under the Equipment Leases.

WHEREAS, the Lessee may pay certain capital expenditures in connection with the property prior to its receipt of proceeds of the Equipment Leases ("Lease Purchase Proceeds") for such expenditures and such expenditures are not expected to exceed the Principal Amount.

WHEREAS, the U.S. Treasury Department regulations do not allow the proceeds of a tax-exempt borrowing to be spent on working capital and the Lessee shall hereby declare its official

intent to be reimbursed for any capital expenditures for Property from the Lease Purchase Proceeds.

NOW, THEREFORE, Be It Resolved by the Governing Body of the Lessee:

Section 1. The Lessee hereby determines that it has critically evaluated the financing alternatives available to it pursuant to 2 NYCRR Section 39.2 and that entering into the Equipment Leases and financing the acquisition of the Property thereby is in the best interests of the Lessee. Such evaluation shall be available as a public record.

The specific reason for such determination is that entering into such Equipment Leases results in a lower overall cost to the Lessee. Execution of the Equipment Leases will not cause the Lessee to be in violation of the limits contained in paragraph c of subdivision 6 of Section 109-b of the General Municipal Law.

Section 2. The Lessee is hereby authorized to acquire and install the Property (the "Project") and is hereby authorized to finance the Project by entering into the Equipment Leases. Any action taken by the Lessee in connection therewith is hereby ratified and confirmed.

Section 3. Either one of the Supervisor **OR** the _____ (each an "Authorized Representative") acting on behalf of the Lessee is hereby authorized to negotiate, enter into, execute, and deliver one or more Equipment Leases in substantially the form set forth in the document presently before the Governing Body, which document is available for public inspection at the office of the Lessee. Each Authorized Representative acting on behalf of the Lessee is hereby authorized to negotiate, enter into, execute, and deliver such other documents relating to the Equipment Lease (including, but not limited to, escrow agreements) as the Authorized Representative deems necessary and appropriate. All other related contracts and agreements necessary and incidental to the Equipment Leases are hereby authorized.

Section 4. By a written instrument signed by any Authorized Representative, said Authorized Representative may designate specifically identified officers or employees of the Lessee to execute and deliver agreements and documents relating to the Equipment Leases on behalf of the Lessee.

Section 5. The aggregate original principal amount of the Equipment Leases shall not exceed the Principal Amount and shall bear interest as set forth in the Equipment Leases and the Equipment Leases shall contain such options to purchase by the Lessee as set forth therein.

Section 6. The Lessee's obligations under the Equipment Leases shall be subject to annual appropriation or renewal by the Governing Body as set forth in each Equipment Lease and the Lessee's obligations under the Equipment Leases shall not constitute general obligations of the lessee or indebtedness under the Constitution or laws of the State.

Section 7. It is hereby determined that the purpose of the Project is an object or purpose described in subdivision 32 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is] (10) years.

Section 8. It is hereby determined the term of the Equipment Leases authorized by this resolution will not be in excess of (3) years.

Section 9. The Governmental Body has determined that the Project is a Type II action that will not have a significant effect on the environment and, therefore, no other determination or procedures under the State Environmental Quality Review Act ("SEQR") is required.

Section 10. The Governing Body of Lessee anticipates that the Lessee may pay certain capital expenditures in connection with the Property prior to the receipt of the Lease Purchase Proceeds for the Property. The Governing Body of Lessee hereby declares the Lessee's official intent to use the Lease Purchase Proceeds to reimburse itself for Property expenditures. This section of the Resolution is adopted by the Governing Body of Lessee for the purpose of establishing compliance with the requirements of Section 1.150-2 of Treasury Regulations. This section of the Resolution does not bind the Lessee to make any expenditure, incur any indebtedness, or proceed with the purchase of the Property.

Section 11. BANK QUALIFIED: LESSEE CERTIFIES THAT IT HAS DESIGNATED THIS LEASE AS A QUALIFIED TAX-EXEMPT OBLIGATION IN ACCORDANCE WITH SECTION 265(b)(3) OF THE CODE, THAT IT HAS NOT DESIGNATED MORE THAN \$10,000,000 OF ITS OBLIGATIONS AS QUALLIFIED TAX-EXEMPT OBLIGATIONS IN ACCORDANCE WITH SUCH SECTION FOR THE CURRENT CALENDER YEAR AND THAT IT REASONABLY

ANTICIPATES THAT THE TOTAL AMOUNT OF TAXEXEMPT OBLIGATIONS TO BE ISSUED BY LESSEE DURING THE CURRENT CALENDER YEAR WILL NOT EXCEED \$10,000,000.

Section 12. The Authorized Representative is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the Equipment Leases authorized by this resolution as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Code.

Section 13. This resolution is not subject to any mandatory or permissive referendum pursuant to the Local Finance Law or Section 109-b of the General Municipal Law.

Section 14. This Resolution shall take effect immediately upon its adoption and approval.

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

Roll Call Vote:

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

NEW BUSINESS:

Enactment of Proposed Local Laws:

RESOLUTION #12, 2016 ~ ENACTMENT OF LL # 1, 2016 ~ AMENDING CHAPTER §71 OF THE CODE OF THE TOWN OF NEW LEBANON CONCERNING ANIMALS:

The following Law was proposed by Councilmember Smith and seconded by Supervisor Teal.

ENACTMENT OF LOCAL LAW NO. 1 OF 2016: AMENDING CHAPTER §71, SECTION §71-9.9 OF THE CODE OF THE TOWN OF NEW LEBANON CODE ENTITLED "SEIZURE OF DOGS; REDEMPTION PERIODS; IMPOUNDMENT FEES; DESTRUCTION OF UNREDEEMED DOGS"

Section 1. Name of local law.

This local law shall be referred to as "A Local Law amending Chapter 71, Section §71-9.9 of the Code of the Town of New Lebanon entitled "Seizure of dogs; redemption periods; impoundment fees; destruction of unredeemed dogs."

Section 2. Findings and Intent

The New York State Agriculture and Markets law allows for the impoundment of dogs who are not in the care and control of their owner. The town of New Lebanon contracts with the Columbia-Green Humane Society/SPCA for the care of dogs that are impounded by the New Lebanon Dog Control Officer.

Local governments require flexibility in order to deal with fees set by New York State and local agencies involved in impoundment of dogs. The modifications set forth below will allow the town to

make modifications as needed, by resolution, to a Dog Control Policy and Fee Schedule for the Impoundment of Dogs when the legislature or Humane Society fees and policies periodically change. Enactment of this legislation will create an initial policy and allow it to be modified as needed.

Section 3. Enactment

Be it enacted by the Town Board of the Town of New Lebanon that Chapter 71, section §71-9.9 of the Code of the Town of New Lebanon is hereby amended as follows:

§ 71-9.9. Seizure of dogs; redemption periods; impoundment fees; destruction of unredeemed dogs.

A. The procedure for the seizure of dogs shall be conducted in accordance with § 117 of the Agriculture and Markets Law. In addition to the provisions in § 117 of the Agriculture and Markets Law authorizing the Town of New Lebanon to seize dogs, the Town may also seize any dog permitted or allowed to violate § 71-9.1 or § 71-9.2 of this article or any dog not in the control of the owner or custodian and not on the premises of the dog's owner or custodian.

B. In accordance with § 117 of the Agriculture and Markets Law, the owner of a dog that is not identified, whether or not licensed, so seized, may redeem such dog within such time period as set forth in the town's Dog Control Policy and Fee Schedule for the Impoundment of Dogs (hereinafter "Policy"), excluding the day the dog is impounded, from the day the dog is impounded, by exhibiting a valid license for said dog and by paying the required fee as set forth herein.

C. In accordance with § 117 of the Agriculture and Markets Law, in the event that the Dog Control Officer shall seize a dog bearing a license tag, whether current or expired, the Dog Control Officer shall promptly upon seizure ascertain the name of the owner of the dog and personally serve such owner, or an adult member of the owner's family, with a notice, in writing, stating that the dog has been seized and will be sold, adopted or destroyed unless redeemed within a period of time set forth in the town's Policy after such notification, by paying to the Town Clerk or the Columbia-Greene Humane Society the required fee and producing proof that the dog has been licensed. Alternatively, the Dog Control Officer shall mail a copy of said notice to the address identified on the license tag by certified mail, return receipt requested. In such event, the owner shall have a period of time as set forth in the town's Policy from the date of the mailing to redeem such dog in accordance with the requirements of this section.

D. An owner redeeming his/her dog shall pay impoundment fees and fines as set forth in the town's Policy, as same may be amended from time to time.

E. An owner shall forfeit title to any dog unredeemed at the expiration of the appropriate redemption period, and the dog shall then be made available for adoption or euthanized subject to §§117 and 374 of the Agriculture and Markets Law.

Section 4. Severability

If any clause, sentence, paragraph, subdivision, section or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, effect or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law or in its application to the person, individual, corporation, firm, partnership, entity or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 5. Effective Date

This local law shall take effect immediately upon filing with the New York State Secretary of State.

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

Roll Call Vote:

Supervisor Colleen Teal	Aye
Councilmember Mark Baumli	Aye
Councilmember Dan Evans	Aye
Councilmember Charles Geraldi	Aye
Councilmember Kevin Smith Sr.	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.

RESOLUTION #13, 2016 ~ ENACTMENT OF LL # 2, 2016 ~ AMENDING CHAPTER §40 OF THE TOWN OF NEW LEBANON CODE AUTHORIZING THE AWARD OF BEST VALUE CONTRACTS UNDER THE TOWN’S PROCUREMENT POLICY:

The following law was proposed by Supervisor Teal and seconded by Councilmember Smith.

ENACTMENT OF LOCAL LAW NO. 2 OF 2016: AMENDING CHAPTER §40 OF THE TOWN OF NEW LEBANON CODE AUTHORIZING THE AWARD OF BEST VALUE CONTRACTS UNDER THE TOWN’S PROCUREMENT POLICY

Section 1. Name of local law.

This section of the law shall be known as the Town of New Lebanon “Awarding contracts for best value” Law.

Section 2. Findings and Intent

The General Municipal Law §103 was amended on January 27, 2012 to provide local governments greater flexibility in awarding contracts by authorizing the award of certain purchase contracts, including contracts for service work, on the basis of best value. This legislation requires each political subdivision to pass a local law authorizing the use of the best value award process.

Enactment of this legislation provides additional procurement options to municipalities in ways that may expedite the procurement process, result in cost savings and providing better value to the town. The “best value” standard for selecting goods and services vendors is critical to efforts to ensure that taxpayers obtain the highest quality goods and services at the lowest potential cost, while also ensuring fairness to all competitors.

Taxpayers are not well served when a public procurement results in low initial unit costs but ultimately may result in overall expenditures higher than anticipated due to factors such as inferior quality, poor reliability and difficulty of maintenance. Best value procurement will provide much-needed flexibility in obtaining important goods and services at favorable prices.

Section 3. Enactment

Be it enacted by the Town Board of the Town of New Lebanon that Chapter 40 of the Town Of New Lebanon Code be amended to add section 40-5.1 as follows:

§40-5.1 Awarding contracts for best value

General Municipal Law §103 provides that purchase contracts, including contracts for service work, but excluding any purchase contracts necessary for the completion of a public works contract pursuant to article eight of the labor law, may be awarded on the basis of best value.

“Best value” means the basis for awarding contracts for services to the bidder which optimizes quality, cost and efficiency, among responsive and responsible bidders. Such basis shall reflect, wherever possible, objective and quantifiable analysis. Such basis may also identify a quantitative factor for bidders that are small businesses, certified minority- or women-owned business enterprises (as defined in Executive Law §310) or service-disabled veteran-owned business enterprises (as defined in Executive Law §369) to be used in evaluation of offers for awarding of contracts for services.

A. Where the basis for award is the best value offer, documentation in the procurement record shall, where practicable, include a quantification of the application of the criteria to the rating of proposals and the evaluation results, or, where not practicable, such other justification which demonstrates that best value will be achieved.

B. The determination to award a contract on the basis of best value shall be made by the purchaser. The purchaser shall use a cost benefit analysis or other similar process to demonstrate quantifiable value or savings from non-price factors that offset the price differential of lower price offers. Non-price factors may include, but are not limited to, the following:

1. Reliability of a product;
2. Efficiency of operation;
3. Difficulty or ease of maintenance;
4. Useful lifespan;
5. Ability to meet needs regarding timeliness of performance; and/or
6. Experience of a service provider with similar contracts.

C. The purchaser shall select a formal competitive procurement process in accordance with law and this procurement policy, and document its determination in the procurement record. The process shall include, but is not limited to, a clear statement of need; a description of the required specifications governing performance and related factors; a reasonable process for ensuring a competitive field; a fair and equal opportunity for bidders to submit responsive offers; and a balanced and fair method of award.

D. The solicitation shall prescribe the minimum specifications or requirements that must be met in order to be considered responsive and shall describe and disclose the general manner in which the evaluation and selection shall be conducted. Where appropriate, the solicitation shall identify the relative importance and/or weight of cost and the overall technical criterion to be considered by the Town Board in its determination of best value.

Section 4. Severability

If any clause, sentence, paragraph, subdivision, section or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, effect or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law or in its application to the person, individual, corporation, firm, partnership, entity or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 5. Effective Date

This local law shall take effect immediately upon filing with the New York State Secretary of State.

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

Roll Call Vote:

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

Supervisor Teal stated that we need to go out to bid to cover the period of 7/1/2016 through 6/30/2017 for heating fuel, kerosene and diesel fuel for the highway equipment; sand, stone and gravel; calcium chloride; and contracted equipment (bulldozer, excavator, dump trucks, mini excavator, and mini track loader) for the highway department. She recommended that bid notices get published on 5/19/2016 in the newspapers, have bids due by Friday June 10th, 2016 at 5:00pm, and the Town Board can review them and decide them at the regular monthly meeting of the Town Board on June 14th, 2016.

Councilmember Smith made a motion to go out to bid for the period of 7/1/2016 through 6/30/2017 for heating fuel, kerosene and diesel fuel for the highway equipment; sand, stone and gravel; calcium chloride; and contracted equipment (bulldozer, excavator, dump trucks, mini excavator, and mini track loader) for the highway department with bid notices to be published on 5/19/16, bids due on 6/10/16 at 5:00pm and bids decided on 6/14/16 at the regular monthly meeting of the Town Board. Councilmember Evans seconded that motion. The motion passed unanimously.

Grow The Valley – Coordinator for Bicentennial Celebration:

Supervisor Teal stated that Grow the Valley has offered to be our coordinator for the upcoming bicentennial celebration for the Town. They would function as a coordinating position between all the involved entities such as the Town Historian, The Historical Society, The Shaker Museum, etc. Councilmember Smith asked if it would interfere with what the Town Historian or any other organization were wanting to plan. Supervisor Teal clarified that they would be working cooperatively with all the organizations and that Grow The Valley will not be deciding how each organization will participate but rather just acting as a facilitator to bring together all the involved organizations efforts.

Councilmember Smith made a motion to authorize Grow The Valley to act as a coordinator for the Town’s Bicentennial Celebration. Councilmember Evans seconded that motion. The motion passed unanimously.

COMMITTEE REPORTS:

Assessor (Councilmember Evans):

Councilmember Evans stated that the 2016 Tentative Roll is available for viewing in the Town Clerk's office and Assessor's office. Legal notices have been posted. Assessment change letters have all been sent. The Assessor will be sitting with the Tentative Rolls on May 9th from 8am -12pm, May 11th from 12pm – 4pm, May 18th from 4pm – 8pm and May 21st from 9am – 1pm. Grievance day is May 25th. More information can be found on the Town website. The Assessor's Clerk has completed cleaning up all property record files and she will now start scanning all files. The STAR program is changing for new applicants. The people already receiving STAR do not need to be concerned. New applicants will be applying with the Department of Taxation and Finance and they will be receiving a rebate or personal income tax credit. These changes came about during this year's State Budget Process.

Supervisor Teal stated that the Assessor, Kim Cammer, is requesting a \$1 per hour raise for her clerk. Kim stated that her clerk is doing a phenomenal job and she is starting to teach her more of her duties. It will be less than \$200 for the remainder of the year as she only works 10 hours per week and Kim is willing to take it from her own salary if that is the only way to do it. Supervisor Teal stated that she is in favor of the pay increase and that there was some concern about unbalancing things with different clerk's pay that work for the Town, but in her opinion this is a little bit different than just starting different clerks at different salaries because she has proven herself to her supervisor and they want to give her more money. Councilmember Smith stated that we did receive a nice kickback because Kim's office did a good job.

Town Clerk Houghtling stated that she would like to speak for her clerk (Deputy Town Clerk Marcie Robertson) who has worked for the Town for over 3 years. Marcie also does a phenomenal job and if this raise were approved then a clerk who has been with the Town for 6 months would now be making more money than a clerk who has been with the Town for over 3 years. She doesn't feel that would be fair.

Supervisor Teal stated that she will get more information from Kim before the next meeting if the board wants to table it as she does believe that she is giving her clerk additional duties. Councilmember Smith requested that the board table it until next month.

Building Department (Councilmember Gerald & Councilmember Baumli):

Councilmember Gerald stated that we have a Town Clean Up Day on June 18th from 8am – 2pm. You can get your punch card at the Town Clerk's Office or Building Department Office. The fee this year is a non-perishable donation for Charlie's Pantry. He stated that Kent Pratt, ZEO has been diligent with his sign notices going out to all businesses in town that are not in compliance with our sign ordinances. Supervisor Teal stated that the last 3 notices went out today.

CAC & Environmental Management (Deputy Supervisor Creech):

Deputy Supervisor Creech stated that the CAC would like to have the biologist from Hudsonia who is doing all of the major field work with our natural resources plan to come in and speak to the board and the audience briefly and give an encapsulated

course on what they are doing and what the town will receive when it's done. They are continuing to do field work on the project and it is going to take a year and a half so it is a slow but steady process.

Bruce Shenker thanked everybody who attended the climate forum. There were about 18 people in attendance, including 3/5 of the Town Board which was very good. They are going to try to come up with follow up topics which he will make people aware of in the next month or two. At the Environmental Management Council meeting they talked about Columbia County being one of two counties in the entire state that does not have a sanitary code which he feels is a big lack. Supervisor Teal asked what specifically a sanitary code would do. Bruce Shenker stated they would do various things such as manage how you handle things that are not clean, how to safely dispose of waste and things like that. He stated that there was also a discussion about the large solar installations and he will keep the Town Board in the loop regarding these.

Councilmember Baumli stated that he attended the climate forum and he found it very interesting. He thanked Bruce Shenker for coordinating that event. One of the interesting things that was discussed was companies paying for their carbon footprint which he thought was a clever idea. He stated that he didn't support the idea of the government dictating what individuals do on their property but when you are talking about a large company wanting to come into town and employ 100 people but they are going to burn carbon and fossil fuels and such he doesn't want to sign a resolution that would prevent them from coming to town as he feels the jobs are important. If there was a way to charge these companies for their carbon footprint that would be the direction for the state to go in. Bruce Shenker stated that the proposal is that the fees taken in would then be paid out to every citizen of this country.

Deputy Supervisor Creech thanked Supervisor Teal, Councilmember Evans and Councilmember Baumli for coming to the climate forum. She really appreciates that they attended even though it was something they didn't necessarily agree with and it shows her that they understand that they represent all of their residents, not just the ones they agree with.

Jagat Pandey stated that the idea of a carbon credit is also going internationally.

Fire, Law Enforcement & Emergency (Councilmember Smith):

Councilmember Smith stated that there are no updates on the building. There were a total of 17 calls last month, 104 people, 153.61 man hours, 3 structure fires, 7 alarm activations, 4 brush fires, 1 AAPD, 2 drills, 2 work details, 1 electrical problem and 1 wire down.

Ben Wheeler stated that the LVPA will be having a fish fry on Friday, May 27th from 5pm – 8pm for \$9.00 per person and a chicken BBQ on Saturday, June 11th from 5pm – 8pm for \$12.00 for half a chicken. They have presale tickets for the chicken BBQ and must sell at least 250 chickens for them to come out and do the chicken BBQ so they are trying to sell as many presale tickets as possible.

Highway (Councilmember Evans & Councilmember Smith):

Supervisor Teal stated that 2 or 3 years ago we started the Columbia County Hazard Mitigation update and it went to state and we were looking for their sign off. She has been working with a consulting group out of Washington State to finalize our piece of it. Apparently there were a lot of questions. She believes that we have reached the deadline and it is back to being finalized and sent to the state again for their approval. That is all contingent upon our participation once it's approved by the state. We will need to enact a resolution in order for us to be eligible for FEMA and SEMO reimbursements in emergencies.

Supervisor Teal stated that tomorrow night at the full board meeting at the county level, they will have before them a resolution authorizing the purchase of the screening plant by the Columbia County Highway Department for \$15,000 from the Town of New Lebanon.

Councilmember Smith made a motion to accept the \$15,000 offer from the Columbia County Highway Department for the purchase of our screener upon approval of Columbia County to purchase it. Supervisor Teal seconded that motion.

Roll Call Vote:

Supervisor Colleen Teal	Aye
Councilmember Mark Baumli	Aye
Councilmember Dan Evans	Aye
Councilmember Charles Geraldi	Aye
Councilmember Kevin Smith Sr.	Aye

Councilmember Smith made a motion to put the \$15,000 from the sale of the screener into the Highway Capital Reserve: Equipment (DA-878). Supervisor Teal seconded that motion.

Roll Call Vote:

Supervisor Colleen Teal	Aye
Councilmember Mark Baumli	Aye
Councilmember Dan Evans	Aye
Councilmember Charles Geraldi	Aye
Councilmember Kevin Smith Sr.	Aye

Historian & LVHS: (Councilmember Baumli):

Steve Oberon stated that last Saturday they cleaned up one section of Cypress Hill portion of the Cemetery of the Evergreens. They will tentatively be back out there on Saturday May 28th. They are looking for volunteers that day to help clean up the cemetery. He thanked the town for removing the piles of brush that they cleared.

Supervisor Teal stated that she had learned this morning that Larry Benson and Pat Slattery had been using the pole saw every morning and trimming up quite a bit of the trees throughout the Cemetery of the Evergreens. She stated that there is a lot of work going on up there which is very good.

Justice Court/Constable (Councilmember Gerald):

No report.

Parks & Recreation (Supervisor Teal):

Supervisor Teal stated that Donnie Sears, Park Maintenance Superintendent, has requested to purchase a pole saw for \$599.00. He got quotes from Pittsfield Lawn and Tractor and Country Value and both were for \$599.00.

Councilmember Smith made a motion to authorize the purchase of a pole saw from Pittsfield Lawn and Tractor for \$599.00 and, if necessary, transfer the money from the Parks .4 account (A-7110.4) to the Parks .2 account (A-7110.2). Supervisor Teal seconded that motion.

Roll Call Vote:

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

Councilmember Smith stated that the lawnmower will need replacing in the next year or so. He also stated that there is a crack in the basketball court that should be repaired before it causes more damage. Councilmember Evans stated that there are numerous options to seal a crack and it is best to repair the crack before winter. Councilmember Evans asked if we had any word on the contract with HMA for the reconstruction of the tennis courts. Supervisor Teal stated that she is waiting on the Town Attorney for the contract.

Seniors (Councilmember Baumli & Phyllis Hulbert):

Phyllis Hulbert thanked the Town Board for getting the newsletter back out to the public. She stated that there were many good things in the newsletter and it keeps the people who cannot get to the board meetings updated as to what is going on in Town. She recognized Rocky Brown for his work with the Democratic Committee both in New Lebanon and at the County level. He is receiving an award on June 11th.

She stated that they are working on many new programs at the Office for the Aging. She ran into a few snags over the winter that there were no programs in place to help our elderly who may need a step, a bar in a house, or something else. They could not find anyone to do it for them and they had no program at the county to provide these services. It is now being implemented at the county level. She has serviced 37 families since she has started and has been successful in 32 of helping those families get things that they need whether it be winterization, food, meals on wheels, etc. She goes to their houses and fills out forms or reports or whatever needs to be filled out for them to apply for services at the county level. She is ecstatic because there are a lot of new programs available to residents of New Lebanon.

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

No report.

LVPA Building (Gerald):

No report.

County Updates:

Supervisor Teal stated that the full board just authorized the purchase of a new van for the veterans. There is also a new VA policy that allows cases to be submitted to any regional office instead of Columbia County having to send their cases to NYC which should speed up the process. Pine Haven should finalize the sale by the end of this month. The Columbia County Economic Development Corporation recently appointed Mike Tucker as the permanent President. There are some resources and support being offered by the CEDC to local businesses. Columbia County needs to put up a new 911 tower in New Lebanon to serve their needs when they transfer from low band to high band radio. Rob Lopez has a few sites selected for the new tower and will be meeting with Supervisor Teal in the upcoming weeks to discuss further.

Other Updates:

Supervisor Teal stated that she and Councilmember Evans met with DOT and it was a wonderful meeting and very productive. They discussed balancing the needs of DOT for safety and traffic flow on the Route 20/22 corridor and the needs of New Lebanon for business growth there. They offered to help us develop a business growth plan showing our long term plan for business growth so that when applications come in to them they can look at them with the long term business growth plan in mind.

Supervisor Teal stated that they also learned that the sidewalk project that we had several years ago was never finalized. During the meeting with DOT, it was brought to her attention that we have to do something with that project. We have to make a decision and finalize the project before September of 2017 or we will be required to pay back the federal funds that we received and possibly the state funds as well. Councilmember Smith asked what the total amount is. Supervisor Teal stated she thinks it is \$85,000 in federal funds and \$5,214 in state funds. There is a lot that she is working on and right now she has more questions than answers. She wants to make sure that whatever we do, we understand the long term ramifications. Her first gut reaction when she learned about this was to apply for a waiver to not have to pay back the money. The fallout from that is that we would be effectively black balled from federal funds and DOT funding and possibly even more far reaching, grant funds going into the future which could handcuff future administration. So that's not a great option. She stated that we will figure it out. She has had a couple of meetings and has many more scheduled. We have a couple of months to come up with a decision, still leaving plenty of time to finalize it by the deadline.

ANNOUNCEMENTS:

Saturday & Sunday, May 14th & 15th ~ Playground Installation @ Shatford Park
Sunday, June 12th ~ Community Day @ Shatford Park

Tuesday, June 14th ~ Town Board Meeting @ 7:00 p.m. @ Town Hall
Saturday, June 18th ~ Town Clean Up Day @ Town Highway Garage

AMENDMENT TO ABSTRACT #4 OF 2016:

Supervisor Teal stated that on Abstract #4 of 2016 voucher No. 85 in the amount of \$199.99 was posted to account no. A-1670.4 in error; it needs to be posted to account no. A-1670.2.

Councilmember Smith made a motion to amend Abstract #4 of 2016 to post voucher No. 85 in the amount of \$199.99 to account No. A-1670.2. Supervisor Teal seconded that motion. The motion passed unanimously.

BUDGET AMENDMENT:

Amendment # 5 of 2016:

General Fund:

\$25,000	from A-511 (Appropriated Reserves: Shatford Park)
\$47,965	from A-917 (Appropriated Fund Balance)
\$67,965	to A-7110.41 (Parks: Cont. Exp. – Tennis Courts)
\$5,000	to A-7110.2 (Parks: Equipment – Playground Install)

Highway Fund:

\$24,712	from DA-3501 (State Aid: Consolidated Highway)
\$24,712	to DA-5112.2 (Improvements: Capital Outlay – CHIPS)
\$18,799	from DA-9950.9 (Capital Project Fund)
\$18,799	to DA-9785.6 (Installment Purchase Debt)

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

AUDIT OF BILLS:

General Nos. 124 through 125 in the amount of \$1,125.11;

As listed on Abstract 4A of 2016 dated May 10, 2016.

General Nos. 126 through 160, in the amount of \$26,781.97;

Highway Nos. 42 through 54, in the amount of \$25,583.03; and

Escrow No. E16-3, in the amount of \$564.62;

As listed on Abstract No. 5 of 2016 dated May 10, 2016.

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

OTHER:

Councilmember Smith stated that he has heard a lot of great things about the newsletter and when the board approved it, they only approved it for one time so he would like to approve the newsletter as a quarterly publication at some point in the near future. Supervisor Teal stated that the plan is to do the next one in August of this year. She was hoping this year to get out at least 3 and then moving forward try to get

3-4 out depending on the work load in the Town Clerk's office as the newsletter is a lot of added work for her.

Town Clerk Houghtling stated that Holly Tanner, Columbia County Clerk, has announced another K.I.S.S. program (Keeping Identities of Seniors Safe). It will run from 6/6/2016 through 6/17/2016 and the bins will be at the Town Hall and you can drop off anytime the Town Clerk's Office is open (M, W, Th & Fri from 9am – 5pm). Anything that has personal information on it that you want shredded you bring to the Town Hall, go to the Town Clerk's office to sign a form and drop the documents into a secure, locked bin. A certified shredding company comes to pick up the bins at the end of the program and shreds the documents safely.

Councilmember Smith asked about a program to dispose of prescription medications. Supervisor Teal stated she would be uncomfortable with prescription meds being dropped at the Town Hall, but we should look into other secure locations such as the NYS barracks where we might be able to set up disposal programs.

Ben Wheeler stated that you can take medications and grind them up with kitty litter as that ruins the product and then throw it away in the regular garbage. People should know that the prescription medications are considered a hazardous material and should not be flushed down the toilet or thrown away as it can negatively affect the ground water. He also mentioned that smoke detectors and batteries should not be thrown away but rather disposed of safely. Judy Zimmer recommended that we look into a battery disposal container here at the Town Hall. Supervisor Teal stated that she is making a list of all of these things to look into.

PRIVILEGE OF THE FLOOR:

Jagat Pandey addressed the Town Board and stated that he feels that the clerks should get raises to their hourly rate as there is a lot of extra work load coming into the Town Clerk's office for the newsletter and all the extra things happening and he feels a raise is well worth it as the community is benefiting immensely from all the extra work happening here at the Town Hall.

Councilmember Smith stated that the problem is that if you do it with one clerk, you should be going across the board with raises because everyone who works for this town works hard. Jagat Pandey stated that you need to look at the work load increase. Councilmember Smith stated that if Kim Cammer, Assessor, wants to take the raise for her clerk out of her salary that might be an option but that the board needs to get more information from Kim and discuss it further. When we do the budget for next year is when the board should be considering raises for employees. This is not the appropriate time of year to be asking for raises, but budget time is the appropriate time. He stated that Jeff Winestock, Highway Superintendent, had suggested that the park maintenance and building maintenance workers get raises as they are underpaid, but the board decided that it was not the correct time of year to be considering raises until budget time for next year. He feels it would be setting a bad precedent to be giving raises outside of budget time and if people wish to ask for raises budget time is the proper time to request them. This doesn't mean people don't deserve the raises, it is just not the correct time to be requesting them.

Supervisor Teal stated that she forgot one announcement. There is an internship program from the Columbia County Summer Youth Program which pays interns and this year one of our residents, Michael Bienes, has been accepted as one of the interns for this summer's program.

Phyllis Hulbert addressed the Town Board and stated that she had decided a few months ago that she had met a lot of younger families where sickness has taken over and they can't get something every day of the week to eat. She has latched on to a few families here in town which she is spending her own money on to make sure that they have everything that they need to eat. The more that she reaches out in our community, she is finding all sorts of life in trouble in this valley that goes unnoticed. She would like to help these families.

Supervisor Teal stated that there is a wonderful program in Ancram called "Neighbors helping Neighbors" that she has asked one of our residents to look into and would like to possibly emulate a similar program here in New Lebanon. They have formed a non-profit organization and people can donate and they provide whatever people in the community need. Phyllis Hulbert, Judy Zimmer, Erminia Rassmussen and J.J. Smith all volunteered to help on this organization here in our community.

ADJOURNMENT:

A motion was made by Councilmember Smith and seconded by Supervisor Teal to adjourn the meeting at 8:30 p.m.

Respectfully submitted,

Tistrya Houghtling
New Lebanon Town Clerk