

**MINUTES OF THE REGULAR MONTHLY MEETING OF
THE TOWN BOARD OF THE TOWN OF NEW LEBANON
HELD ON JANUARY 11, 2010**

Present: Margaret Robertson, Supervisor
Allen Livermore, Councilmember
Bruce Baldwin, Councilmember
Doug Clark, Councilmember

Absent-part of meeting: Karl (K.B.) Chittenden, Councilmember

Recording Secretary: Colleen Teal, Town Clerk
Darla Dobert, Deputy Town Clerk

Others Present: Sonya Van Bortel, Town Attorney
Jeff Winestock, Highway Superintendent
Monte Wasch, Deputy Town Supervisor
Leonard (Rocky) Brown
Trina Porte, Planning Board Member
Kevin Smith
Robert Mittnacht
Phillip Brown
Robert Smith
Several other members of the public

CALL TO ORDER:

The meeting was called to order at 7:15 p.m. by Supervisor Robertson and the flag salute followed a moment of silence.

MINUTES APPROVAL:

The following minutes were reviewed:

November 9, 2009 ~ Regular Monthly Meeting;

**December 14, 2009 ~ Public Hearing on Proposed Local Law No. 3 of 2009 ~
Deputy Court Clerk;**

December 14, 2009 ~ Regular Monthly Meeting; and

December 28, 2009 ~ Special Year End Meeting;

a motion was made by Councilmember Baldwin, seconded by Councilmember Clark, and passed (Councilmember Chittenden absent, Councilmember Livermore abstained on the minutes from November 9 and December 28) to approve the minutes with the following correction:

December 28, 2009 ~ Special Year End Meeting, page 5: "Old Post Road Landfill:" amend the last sentence to read : "...with the County Attorney, ~~and~~ the Chairman of the Board of Supervisors, the Town Supervisor, and any town board members that choose to attend."

SUPERVISOR'S REPORT:

Supervisor Robertson read her monthly report. A motion was made by Councilmember Baldwin, seconded by Councilmember Livermore, and passed unanimously (Councilmember Chittenden absent) to accept the Supervisor's Report.

BIDS:

The Town Clerk provided the Town Board with proof of publication of the notice of bid requests.

Fuel Bids:

The following sealed bid was received for the purchase of fuel:

H. L. Fuel Co., Inc.:

#2 Heating Fuel: Hess Oil terminal rack price for the day, plus .30¢/gallon, rounded up to 9/10 cent.

Price on 01/11/10: \$2.334 per gallon ∴ our price: \$2.639 per gallon

Kerosene: Hess rack price for the day, plus .35¢/gallon, rounded up to 9/10 cent, plus freight

Price on 01/12/09: \$2.8145 per gallon ∴ our price: \$3.169 per gallon

*kerosene price quoted is certified K-1 quality. Any kerosene additions to diesel fuel will also be priced this way.

Ultra Low Sulfur Diesel Duel: Hess rack price for the day, + .30¢/gallon, rounded up to 9/10 cent, plus freight

Price on 01/12/09: \$2.3565 per gallon ∴ our price: \$2.659 per gallon

A motion was made by Councilmember Baldwin, seconded by Councilmember Livermore and approved unanimously (Councilmember Chittenden absent) to accept the bid.

Calcium Chloride Bids:

The following sealed bids were received for the purchase of calcium chloride:

The Gorman Group:

Liquid Calcium Chloride:

Winter Use: 32% Calcium 68% Water

Summer Use: 35% Calcium 65% Water

\$.99/gallon applied

\$.99/gallon delivered

James Reed Sales, Inc.:

Liquid Calcium Chloride:

Winter Use: 32% Calcium 68% Water

Summer Use: 35% Calcium 65% Water

\$.978/gallon applied

\$.978/gallon delivered

Liquid Magnesium Chloride (Meltdown 26) .988¢ per gallon delivered

A motion was made by Councilmember Baldwin, seconded by Councilmember Livermore and approved unanimously (Councilmember Chittenden absent) to accept both bids with James Reed Sales, Inc. to be used primarily based on demand and availability.

(Councilmember Chittenden present)

Sand, Stone & Gravel Bids:

The following sealed bids were received for the purchase of gravel, sand, and stone:

Joy Sherman:

Bank Run Gravel: \$4.50 per yard at site.

A. Colarusso & Son, Inc.:

Stone A – No. 1A (1/4”) (Washed)	\$11.00/Ton FOB	\$18.45/Ton Delivered
Stone B – No. 1 (1/2”) (Washed)	\$10.75/Ton FOB	\$18.20/Ton Delivered
Stone C – No. 1 & 1A (Washed)	\$10.95/Ton FOB	\$18.40/Ton Delivered
Crushed Stone – Item #4, 2” Minus	\$8.75/Ton FOB	\$16.20/Ton Delivered
Crushed Stone – Screen Fill	\$7.75/Ton FOB	\$15.20/Ton Delivered
Gravel – Screened 3/8” Sand	\$10.00/Ton FOB	\$18.50/Ton Delivered
Gravel – Bank Run Gravel	\$5.50/Ton FOB	\$14.00/Ton Delivered
Gravel – Item #3, 1” Minus	\$7.75/Ton FOB	\$16.25/Ton Delivered
Gravel C – Item #4, 2” Minus	\$7.75/Ton FOB	\$16.25/Ton Delivered

A motion was made by Councilmember Baldwin, seconded by Councilmember Livermore and passed (Councilmember Chittenden voted nay) to accept the bid for bank run gravel from Joy Sherman and to accept all other products listed from A. Colarusso & Son, Inc.

HOUSING GRANT APPLICATIONS:

CDBG (New York State Community Development Block Grant Program) and DHCR (New York State Division of Housing & Community Renewal Program to Replace Dilapidated Mobile and Manufactured Homes):

Tabled to February meeting. The Town Board will invite Jack Yurish to the February Meeting to discuss.

Federal HUD Community Development Block Grant:

A motion was made by Councilmember Livermore and seconded by Councilmember Baldwin for the Town Board to sponsor a Federal Community Development Block Grant and further, if the grant is awarded, to hire a consultant to handle the administration of the grant program.

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

Roll Call Vote:

Supervisor Margaret Robertson	Aye
Councilmember Bruce Baldwin	Aye
Councilmember Karl B. Chittenden	Aye
Councilmember Allen Livermore	Aye
Councilmember Doug Clark	Aye

The motion, having been approved by a majority vote of the Town Board, was declared duly adopted by the Supervisor of the Town of New Lebanon.

PRIVILEGE OF THE FLOOR:

Monte Wasch addressed the Town Board regarding the constitution of the **Ethics Board** noting that the Ethics Board is charged with the oversight of ethical behavior of elected officials. As such, they are privy to confidential information. It is imperative that due consideration be given with respect to appointments to this board. Persons involved in legal actions with the town should not serve and any member that becomes involved in an action with the town should recuse themselves.

Robert Mittnight addressed the Town Board regarding a packet of information he submitted to the Town Supervisor and inquired if the Supervisor or any of the board members had had time to review it. Supervisor Robertson made an appointment to meet with Mr. Mittnight to discuss his concerns.

Trina Porte addressed the Town Board about the bids inquiring why we need to bid on processed gravel and sand if we have our own screening plan; about addressing the board asking why some people are allowed to discuss items with the board while others are told to “shut up,” and also to express her concern about the bid process.

Leonard (Rocky) Brown addressed the Town Board regarding the closure of the supermarket and expressed his hope that the town board would make this their number one project above and beyond everything including sand and salt. Mr. Brown further noted that the senior citizens received no increase in social security benefits this year and while a town hall is a necessity, pursuing a five million dollar project at this time does not seem wise; it should be put on hold for now. He asked what are the priorities of this board and noted that it should be the supermarket.

Kevin Smith addressed the Town Board regarding the Mid-Town Mall project noting that more important is the need for a supermarket, another bank, and a pharmacy.

Phillip Brown addressed the Town Board regarding the HUD Community Development Block Grant for moderate-income housing and asked if the board was aware that this is Section 8 housing.

Robert Smith addressed the Town Board regarding the HUD Community Development Block Grant for moderate-income housing and the plan for eight (8) one bedroom units noting that one bedroom units are not for families. Mr. Smith asked why not six (6) apartments with some two bedroom units noting that a one bedroom unit is only for couples and is very limiting; it is not for families.

Highway Superintendent Jeffrey Winestock addressed the question from Ms. Porte regarding the screening plant noting that by law, the town has to put these items out to bid. Mr. Winestock further noted that the use of the Sherman mine by the town has resulted in substantial savings to the town over the years and the purchase of the screening plant is a substantial savings over that annual rental of a screening plant.

COMMITTEE REPORTS:

Economic & Business Development:

Councilmember Chittenden reported that the LVBA has been looking at food projects; one project being looked at is a co-op. Peter Quinn is coordinating a transportation project. We have some volunteer drivers; now we need to find out who has need for

transportation. Residents are encouraged to call the town hall if they need transportation to and from shopping. Councilmember Clark noted that on the county website there is bus transportation that includes Copake, Ancram, Gallatin, etcetera,

A motion was made by Councilmember Clark, seconded by Councilmember Baldwin, and passed unanimously that at the next meeting of the Columbia County Traffic Safety Council, a request be made on behalf of the Town of New Lebanon that we be provided some transportation especially in light of the closing of the supermarket.

Highways, Buildings, & Town Property:

Town Hall Project:

Councilmember Baldwin reported that the Town received the final report from **Needham** on the asbestos evaluation of the remainder of the town hall building and it is free and clear of asbestos; **no asbestos was found**. Councilmember Baldwin further reported that the architect met with the Town Clerk and the Planning & Building Department Clerk last Tuesday and he also send two workers to measure all the offices and spaces at the town hall. The Building Committee has a tentative meeting with the architect scheduled for February 3rd.

Building Maintenance:

Councilmember Baldwin reported that there were monies in the budget for building maintenance for 2002 and 2003 but from 2004 through 2007 there was none. Councilmember Baldwin further noted that the American Legion parking lot is plowed by the Highway Superintendent and even though he is an elected official, if we are adding additional duties, we should be able to add additional pay.

A motion was made by Councilmember Baldwin to amend the 2010 budget and take the \$2,000 allocated for building maintenance and reallocate it as follows:

\$1,500 to the Highway Superintendent for plowing the American Legion Building, and \$500 for maintenance of the buildings.

No second was obtained for the motion.

Councilmember Baldwin noted that he provided building maintenance this past week including assembling furniture, repairing furniture, moving furniture, shoveling the walks and putting out kitty litter, removing boxes, and disposing of furniture.

Councilmembers Chittenden and Livermore noted that the town needs a building maintenance person. Highway Superintendent Jeff Winestock noted that the highway department has always plowed the town hall parking lot and shoveled the town hall walkway but they were *ordered* by a prior town board to plow the American Legion Building parking lot. Mr. Winestock noted that when the \$2,000 was given to the building maintenance, it was to include plowing and shoveling at the American Legion Building. This person plowed once or twice then stopped. Mr. Winestock then received a letter from the Town Supervisor stating that he needed to plow at the American Legion Building. In frustration, he said he wanted the plowing there to be put out to bid; however, this is not fair to the taxpayer so he will plow at the American Legion Building but he is very frustrated. Justice Darcy Poppey noted that the maintenance person was supposed to maintain and plow.

A motion was made by Councilmember Baldwin, seconded by Councilmember Livermore, and passed unanimously to reduce the salary for **building maintenance** to **\$1,000** to include shoveling the sidewalks and exits and general maintenance of the buildings and to reappoint **Wes Powell** to the position.

Councilmember Baldwin questioned boxes for a 36" flat screen television and a VCR/DVR recorder. It was noted that these items were purchased as part of the JCAP grant. Councilmember Baldwin noted that the town board needs to adopt an inventory policy and implement for all departments as soon as possible.

A motion was made by Councilmember Baldwin, seconded by Councilmember Livermore, and passed unanimously to have the Town Clerk, through the various department heads, to obtain a **town-wide property inventory** to include all non-consumable items valued at \$50.00 or more at the time of purchase.

Zoning, Planning, Code Enforcement, & Assessor:

Deputy Zoning Enforcement Officer:

There was a general discussion regarding a Deputy Zoning Enforcement Officer.

A motion was made by Councilmember Clark, seconded by Councilmember Chittenden and passed unanimously to have the attorney look into the possibility of an interim position for six months only to be used as needed for the current extenuating circumstances.

Assessor:

Councilmember Baldwin reported that he spoke with the Assessor and he noted that the town attorney must communicate with the Assessor on settlements.

Security, Fire, Law Enforcement, Justice Court & Constable: ~ no report ~

COMMUNICATIONS:

#01 – Jack Nevers, New Lebanon

Re: Letter of Interest: Ethics Board

A motion was made by Councilmember Baldwin, seconded by Councilmember Clark, and passed unanimously to appoint Jack Nevers to the Ethics Board.

#02 – Kevin Smith, New Lebanon

Re: Letter of Interest: Ethics Board

A motion was made by Councilmember Livermore and seconded by Councilmember Chittenden to appoint Kevin Smith to the Ethics Board; the motion did not pass with Councilmember Livermore and Chittenden voting aye; and Councilmember Baldwin and Clark, and Supervisor Robertson voting nay.

Supervisor Robertson recommended that Mr. Smith consider submitting a letter of interest again after his current issues with the town have been resolved.

#03 – Robert Koepp, New Lebanon

Re: Letter of Interest for Park Maintenance Superintendent

The town board tabled this item until the February meeting when all interested persons will be interviewed.

OLD BUSINESS:

Establishment of Conservation Advisory Council:

Councilmembers Livermore and Chittenden submitted their recommendations for the proposed law as follows:

Membership to be five members with two alternates including one youth member (between the ages of 16 and 18);

The Town Board will appoint the members and citizens should submit a letter of interest to the Town Board to be considered;

There not be any ex-officio members;

Members must be residents of the town or non-resident property owners;

There will not be compensation for members; and the Conservation Advisory Council will designate its own secretary.

A motion was made by Councilmember Livermore and seconded by Councilmember Baldwin to set a public hearing on Proposed Local Law No. 1 of 2010 – To Establish a Conservation Advisory Council with the recommendations submitted by Councilmembers Livermore and Chittenden for Monday, February 8, 2010 at 6:45 p.m. at the American Legion Building.

Court Clerk Position:

A motion was made by Councilmember Livermore, seconded by Councilmember Clark, and passed unanimously to schedule a public hearing on Proposed Local Law No. 2 of 2010 ~ Establishing the Court Clerk Position as Exempt for Monday, February 8, 2010 at 6:55 p.m. at the American Legion Building.

A motion was made by Councilmember Baldwin, seconded by Councilmember Livermore and passed unanimously to provide employee benefits to Diane Brown retroactively to January 1, 2010.

NEW BUSINESS:

Tax Collector's Computer – Inclusion in TAP Program:

Tabled as estimate of cost has not been received.

ANNOUNCEMENTS:

January:

Annual Audit of Books ~ Wednesday, January 13, 2010 at 4:00 p.m. at the Town Hall to audit the books of the Chief Fiscal Officer and Judge McHugh.

NYS DOL presentation: Violence in the Workplace – for Town staff – Thursday, January 14, 2010 at 9:00 a.m. at the American Legion Building

Public Hearing on Proposed Zoning Re-write ~ Monday, January 25, 2010 at 7:00 p.m. at the New Lebanon Firehouse

Public Hearing on Proposed Local Law No. 1 of 2010 ~ Establishing a Conservation Advisory Council ~ Monday, February 8, 2010 at 6:45 p.m. at the American Legion Building

Public Hearing on Proposed Local Law No. 2 of 2010 ~ Establishing Court Clerk and Deputy Court Clerk Positions as Exempt ~ Monday, February 8, 2010 at 6:55 p.m. at the American Legion Building

Town Board Meeting ~ Monday, February 8, 2010 at 7:00 p.m. at the American Legion Building

**BUDGET AMENDMENT:
Amendment No. 2 of 2010**

General Fund:

Increase General Fund Appropriated Balance (A03400)	\$700
(from 2009 Encumbered Monies: Central Data Processing for 5 year Tech Plan)	
Increase Central Data Processing: Contractual Expense (A-1680.4)	\$700

Highway Fund:

Increase Highway Fund Appropriated Balance (DA03400)	\$2,000
(from 2009 Encumbered Monies: snow Removal for salt delivered 12/28/2009)	
Increase Snow Removal: Contractual Expense (DA-5142.4)	\$2,000

A motion was made by Councilmember Baldwin, seconded by Councilmember Livermore and passed unanimously to approve the above noted amendments to the 2010 Budget.

AUDIT OF THE BILLS:

General Fund Claim Nos. 4 through 43, in the amount of \$63,100.14; and
Highway Fund Claim Nos. 1 through 15, in the amount of \$21,973.51;
As set forth in Abstract No. 1, dated January 11, 2010; were audited.

A motion was made by Councilmember Livermore, seconded by Councilmember Baldwin, and passed unanimously to pay the above noted claims from their respective accounts.

OTHER:

Deputy Town Clerk Computer:

Town Clerk Teal noted that the board approved the purchase of a computer to replace the Deputy Town Clerk's computer as the warranty has expired. She requested Town Board authorization to have Technology for All proceed with replacing the computer.

A motion was made by Councilmember Baldwin, seconded by Councilmember Livermore, and passed unanimously to authorize the purchase of a computer for the Deputy Town Clerk to replace her current computer.

PRIVILEGE OF THE FLOOR:

Trina Porte addressed the town board regarding the appointment of Jack Nevers to the Ethics Board. Ms. Porte noted that Mr. Nevers is currently involved in litigation.

ADJOURNMENT:

A motion was made by Councilmember Baldwin and seconded by Councilmember Livermore to adjourn the meeting at 10:10 p.m.

Respectfully submitted,

Colleen Teal
Town Clerk