

**MINUTES OF THE REGULAR MONTHLY MEETING OF  
THE TOWN BOARD OF THE TOWN OF NEW LEBANON  
HELD ON FEBRUARY 8, 2010**

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

**Absent:** Karl (K.B.) Chittenden, Councilmember

**Recording Secretary:** Darla Dobert, Deputy Town Clerk

**Others Present:** Sonya Van Bortel, Town Attorney  
Pete Harvey, The Kleeber Agency  
Monte Wasch, Deputy Town Supervisor  
Trina Porte, Planning Board Member  
Kevin Smith  
Nancy Wolf, Darrow School  
Fiona Lally, LVBA President  
Leonard (Rocky) Brown  
Robert Mittnight  
Several other members of the public

**CALL TO ORDER:**

The meeting was called to order at 7:10 p.m. by Supervisor Robertson and the flag salute followed a moment of silence.

**MINUTES APPROVAL:**

The minutes of the **January 4, 2010 Organizational Meeting** were reviewed; a motion was made by Councilmember Livermore, seconded by Councilmember Clark and passed unanimously (Councilmember Chittenden absent) to approve the minutes as typed.

The minutes of the **January 9, 2010 Annual Year End Audit and the January 13, 2010 Annual Year End Audit continued** were reviewed; a motion was made by Councilmember Baldwin, seconded by Councilmember Clark and passed (Councilmember Chittenden absent, Councilmember Livermore abstained) to approve the minutes as typed.

The minutes of the **January 11, 2010 Public Hearing on the HUD Community Development Block Grant** were reviewed; a motion was made by Councilmember Livermore, seconded by Councilmember Baldwin and passed unanimously (Councilmember Chittenden absent) to approve the minutes as typed.

The minutes of the **January 11, 2010 Regular Monthly Meeting** were reviewed. Trina Porte addressed the town board regarding the minutes noting that she had commented on the inaccuracies in a prior months minutes with regard to the operations of the court and all of these comments were left out of the January 11, 2010 minutes. A motion was made by Councilmember Baldwin, seconded by Councilmember Livermore, and approved unanimously (Councilmember Chittenden absent) to table the approval of

the January 11, 2010 Regular Monthly Meeting Minutes for clarification from the Town Clerk.

**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.

Councilmember Baldwin inquired if the Supervisor had received any checks from the Tax Collector yet; Supervisor Robertson noted that she had.

**THE KLEEBER INSURANCE AGENCY:**

Pete Harvey from the Kleeber Insurance Agency addressed the town board regarding the town's insurance policies. Councilmember Baldwin asked if volunteer construction people will be covered by worker's compensation; Mr. Harvey noted that they would as well as paid contractors but both need to sign "hold harmless agreements" with the town. Councilmember Clark inquired if there are any programs available to further reduce the premiums on commercial/municipal policies; Mr. Harvey noted that there are no such programs. Mr. Harvey noted that our policy premiums have not increased very much over the years of services.

**HOUSING GRANT APPLICATIONS:**

**Federal HUD Community Development Block Grant:**

Deputy Town Supervisor, Monte Wasch, requested a resolution from the town board authorizing the hiring of a consultant for grant writing to apply on behalf of the town and further requested that \$4,000 be set aside for this. Deputy Supervisor Wasch noted that Midtown Mall will commit to reimbursing the town for the fees. He also submitted a proposal from Housing Resources of Columbia County, Inc. for the completion of a Community Development Block Grant (CDBG) application for the Town of New Lebanon for the creation of approximately six (6) one and two bedroom apartments in a portion of the vacant or underutilized second floor of the Mid-Town Mall for approximately \$400,000. The fee for the preparation of the application is \$3,000. Councilmembers Baldwin and Livermore noted that they would like to see all the proposals set forth before the board adopts the resolution. Attorney Van Bortel noted that she wants to see the commitment letter from Mid-Town Mall before the board proceeds. Additionally, Councilmember Clark asked that Lori Bashour meet with the Building Inspector in regard to compliance with fire codes prior to the Town Board expending any funds for the project.

Deputy Supervisor Wasch reported that he is also investigating the availability of USDA monies for the Town Hall Project.

**EXECUTIVE SESSION:**

**Park Maintenance Superintendent Interviews:**

A motion was made by Councilmember Baldwin, seconded by Councilmember Livermore, and approved to enter an executive session to interview applicants for the position of Park Maintenance Superintendent.

A motion was made by Councilmember Baldwin, seconded by Councilmember Livermore and approved to close the executive session and re-open the public meeting.

A motion was made by Councilmember Baldwin, seconded by Councilmember Livermore, and passed unanimously (Councilmember Chittenden absent) to table the appointment of a park maintenance superintendent until the March meeting.

**PRIVILEGE OF THE FLOOR:**

**Kevin Smith** addressed the Town Board regarding the **Zoning Enforcement Officer**, Stan Koloski. Mr. Smith noted his unhappiness with Mr. Koloski's attitude noting that he has asked that any correspondence to him be copied to his attorney but Mr. Koloski refused. Mr. Smith wanted to know why the Town Board is paying Mr. Koloski in his absence.

**Nancy Wolf** from Darrow School requested that the Town Board take advantage of the **sidewalk grant**.

**Trina Porte** addressed the Town Board stating that she did not think that **Stan Koloski** should be "bashed" when he is not here to defend himself and further that he should be given some slack due to his spouse's condition.

**Fiona Lally**, LVBA President requested that the Town Board proceed with the **sidewalk project**.

**Vivien Steinberg** requested that the Town Board proceed with the **sidewalk project**.

**Leonard (Rocky) Brown** addressed the Town Board regarding **parking at the Town Hall** and concerns about parking when the new building is there. With regard to the **supermarket**, Mr. Brown noted that maybe the town board could provide a tax break on the footprint that could then be given to the tenant and that also they could request that the utility companies do the same to entice a new tenant.

**COMMITTEE REPORTS:**

***Economic & Business Development:***

Councilmember Clark reported that he attended a planning session at the last business meeting of the Lebanon Valley Business Association (LVBA).

***Highways, Buildings, & Town Property:***

**Town Hall Project:**

Councilmember Baldwin reported that Joe Iuviene, Architectural Bureau, needs the authorization of the Town Board to proceed.

A motion was made by Councilmember Baldwin, seconded by Councilmember Livermore, and approved unanimously (Councilmember Chittenden absent) to accept the basic floor plan and working drawings.

Councilmember Baldwin further reported that the wicks law does not apply under \$500,000. He asked the town board to consider a workshop on the Town Hall project in March.

**Court Offices:**

A motion was made by Councilmember Baldwin, seconded by Councilmember

Livermore, and approved unanimously (Councilmember Chittenden absent) to authorize the installation of the air conditioners along with the necessary electrical work by Hatch Mechanical noting that the cost for the electrical work cannot exceed \$1500.

**Town-wide Inventory:**

Councilmember Baldwin noted that a town-wide inventory needs to be completed.

**Highway:**

*Culverts:*

Councilmember Baldwin reported that there are issues with culverts on Canaan Road and Darrow Road. With regard to the designing of a new system, the town is responsible for the culverts only.

*Equipment:*

Councilmember Baldwin reported that several pieces of highway equipment have broken down. The Highway Superintendent want to go out to bid on a large truck – approximately \$80,000 – and get rid of two (2) old trucks. The final payment was made on the backhoe and he would like to finance the purchase of a small truck as well.

A motion was made by Councilmember Baldwin, seconded by Councilmember Livermore, and approved unanimously (Councilmember Chittenden absent) to authorize the Highway Superintendent to obtain bids on a four-by-four large truck and a one ton pick-up truck and further to dispose of the 1999 2 wheel drive truck, the 1991 4 wheel drive truck, and the 2004 pick-up truck.

***Zoning, Planning, Code Enforcement, & Assessor:***

**Zoning Enforcement Officer:**

Councilmember Clark reported that he will check into the complaints brought forth regarding the Zoning Enforcement Officer; he further noted that he wants to review the ZEO and CEO monthly reports and the contract or job description for Stan Koloski.

Councilmember Baldwin noted that the board can appoint a deputy zoning enforcement officer.

A motion was made by Councilmember Baldwin, seconded by Councilmember Livermore, and approved unanimously (Councilmember Chittenden absent) to hire a Deputy Zoning Enforcement Officer at a rate of \$25 per hour not to exceed \$1,000 annually.

**Sidewalk Project/Grant:**

Councilmember Clark asked the town board for a motion to continue with the sidewalk project and noted that he will meet with the Department of Transportation (DOT) in Poughkeepsie.

A motion was made by Councilmember Baldwin, seconded by Councilmember Livermore and passed unanimously (Councilmember Chittenden absent) to continue with the sidewalk project and grant application as previously approved.

**Landfill:**

Councilmember Clark reported that he attended a landfill meeting; he feels that the County is responsible for the closure, not the Town and requested that the town board

advise the County that the town will not be responsible for the expense of the landfill closure.

A motion was made by Councilmember Clark, seconded by Councilmember Livermore, and passed unanimously (Councilmember Chittenden absent) to authorize the Town Supervisor to send a letter to the County informing the County that the town will not be responsible for the expenses of the landfill closure.

***Security, Fire, Law Enforcement, Justice Court & Constable:***

**Court:**

Councilmember Baldwin reported in that he fixed the door at the court and further that the architect met with the Judge and the Court Clerk.

**COMMUNICATIONS:**

**#01 – *Carin DeJong, New Lebanon***

*Re: Letter of Interest: Ethics Board*

Supervisor Robertson reported that Ms. DeJong asked that the town board hold on her appointment; she needs more time to review the responsibilities before committing.

**OLD BUSINESS:**

**Resolution # 9 of 2010 ~ Enactment of Local Law No. 1, 2010 Establishing a Conservation Advisory Council:**

The following resolution was proposed by Councilmember Livermore and seconded by Councilmember Baldwin:

**LOCAL LAW NO. 1 of 2010**

**A LOCAL LAW ESTABLISHING A CONSERVATION ADVISORY COUNCIL FOR THE TOWN OF NEW LEBANON**

**BE IT ENACTED** by the Town Board of the Town of New Lebanon as follows:

**Section 1. Title of Local Law:**

This Local Law shall be entitled "A Local Law Establishing a Conservation Advisory Council for the Town of New Lebanon."

**Section 2. Authorization:**

This Local Law is enacted on the basis of powers granted to the Town pursuant to section 239-x of the General Municipal Law for the creation of a local conservation advisory Council.

**Section 3.**

**SECTION 1: Statement of legislative intent.**

The preservation and improvement of the quality of the environment within the Town of New Lebanon ("the Town"), in the face of population growth, urbanization and technologic change, along with the accompanying demands on natural resources, are found to be of increasing and vital importance to the health, welfare and economic well-being of present and future inhabitants that requires forthright action by the Town Board of the Town of New Lebanon ("the Town Board"). It is recognized that the ecologic integrity of the natural environment on which humanity is dependent for survival and the natural and functional beauty of the surroundings which condition the quality of life in the Town cannot be protected without the full cooperation and participation of all the people of the Town working in partnership with local and state officials and with various public and private institutions, agencies and organizations. The Town Board,

therefore, recognizes and supports the need for the creation of a Conservation Advisory Council, in order to ensure the wise use of the Town's natural resources and the enhancement and protection of its environment.

**SECTION 2: Establishment.**

On the basis of powers granted to it in Article 12-F, section 239-x, of the General Municipal Law of the State of New York, the Town of New Lebanon hereby decrees the establishment of the Town of New Lebanon Conservation Advisory Council, hereafter called the Council, to advise in the development, management and protection of the Town's natural resources.

**SECTION 3: Membership; Compensation.**

(a) Such Council shall consist of not less than five (5) members, one of whom may be a youth member between the ages of sixteen (16) and twenty-one (21), who shall be appointed by the Town Board of the Town of New Lebanon and serve at the pleasure of the Town Board for a term not exceeding two (2) years. The Town Board may, notwithstanding any inconsistent provision of law, in addition to the Council membership, appoint up to two (2) alternative members to the Council, including one youth member between the ages of sixteen (16) and twenty-one (21).

(b) The Town Board shall designate a chairman of the Council from among the members appointed to the Council. At the first meeting of the Council its members shall elect from among themselves a recording secretary.

(c) The Town Board shall set the membership number of the Council by resolution.

(d) Persons residing within the Town of New Lebanon and non-residents who own property within the Town of New Lebanon who are interested in the improvement and preservation of environmental quality shall be eligible for appointment as a member of Council.

(e) Vacancies on the Council shall be filled in the same manner as the original appointment except that a vacancy occurring other than by the expiration of term of office shall be filled only for the remainder of the unexpired term.

(f) The members of the Council shall receive no compensation for their services as members thereof but may be reimbursed for reasonable and necessary expenses incurred in the performance of their duties within the appropriations made available thereof.

**SECTION 4: Rules, Records and Reports.**

The Council shall adopt rules and procedures for its meetings. It shall keep accurate records of its meetings and actions and shall file an annual report with the Town Board on or before the thirty-first day of December of each and every year. Once approved, the Town Board shall forward a copy of the report to the state commissioner of environmental conservation.

**SECTION 5: Powers and Duties.**

Within its advisory capacity, the Council shall have the responsibility to:

(a) Provide input, assistance, comments and recommendations regarding environmental assessments and environmental impact statements for proposed actions.

(b) Advise the Town Board on matters affecting the preservation, development and use of the natural and physical features and conditions of the Town insofar as beauty, quality, ecologic integrity and other environmental factors are concerned and, in the case of human activities and developments, with regard to any major threats posed to environmental quality, so as to enhance the long-range value of the environment to the people of the Town.

(c) Develop and, after receiving general approval by resolution of the Town Board, conduct a program of public information in the community which shall be designed to foster increased understanding of the nature of environmental problems and issues and support for their solutions.

(d) Conduct studies, surveys and inventories of the natural and physical features within the Town and such other studies and surveys as may be necessary to ensure the wise use of natural resources and to

enhance and protect the environment and otherwise to carry out the general purposes of this local law.

(e) Advertise, prepare, print and distribute books, maps, charts, plans and pamphlets which in its judgment it deems necessary for its work.

(f) Maintain an up-to-date inventory or index of all open areas within the Town in public or private ownership, including but not limited to natural landmarks, streams and their floodplains, swamps, marshlands and other wetlands, unique biotic communities, scenic and other open areas of natural or ecological value, and of the ownership, present use and proposed use of such open areas, so as to provide a base of information for recommendations by the Council for their preservation and/or ecologically suitable use.

(g) Maintain liaison and communications with public and private agencies and organizations of local, state and national scope whose programs and activities have an impact on the quality of the environment or who can be of assistance to the Council.

(h) Seek to coordinate the activities of unofficial bodies organized for similar purposes and cooperate with other municipal official bodies active in the area of community planning.

(i) Working in cooperation with the Town of New Lebanon Planning Board, recommend from time to time to the Town Board features, plans and programs relating to environmental improvement for inclusion in the Master Plan of the Town of New Lebanon and, similarly, recommend to the Town Board appropriate and desirable changes in existing local laws and ordinances relating to environmental control or recommend new local laws and ordinances.

(j) Obtain and maintain in an orderly fashion maps, reports, books and other publications to support the necessary research of the Council into local environmental conditions.

(k) When authorized by resolution of the Town Board of the Town of New Lebanon, accept, by gift, grant, devise, bequest or otherwise, property, both real and personal, in the name of the Town as may be necessary to conserve and otherwise properly utilize open spaces and other land and water resources within the boundaries of the Town. Such real property may be accepted in fee for land and water rights, or as any lesser interest, development right, easement, including conservation easement, covenant or other contractual right, including conveyance with limitations or reversions.

(l) Carry out such other duties as may be assigned from time to time by resolution of the Town Board that are consistent with the objectives of this local law.

#### **SECTION 6: Assistance from Department of Environmental Conservation**

To assist the Council in carrying out its functions, powers and duties, the Council may request the Department of Conservation to:

(a) Prepare reports outlining objectives, priorities and proposed relationships of the Council to the local legislative body;

(b) Prepare description of work to be undertaken, advantageous techniques to be used and suggested roles of Council members;

(c) Provide research on conservation facts and procedures;

(d) Provide, on a consulting basis, technical and research assistance as may be required to assist the Council in carrying out its work and to enable the Council to offer recommendations to the local legislative body; and

(e) Describe particular areas of natural resources within the city, town or village, as the case may be, which require particular attention by the Council.

#### **SECTION 7: Administration.**

Within thirty (30) days following the establishment of the Council, written notification thereof shall be sent by the Town Board to the state commissioner of environmental conservation.

**SECTION 9: Severability Clause.**

If any clause, sentence, paragraph, section or part of this local law shall be adjudicated by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

**SECTION 10: Effective Date.**

This Local Law shall take effect immediately upon its filing with the Secretary of State.

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

Roll Call Vote:

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

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

**Resolution # 10 of 2010 ~ Enactment of Local Law No. 2, 2010 Establishing a Conservation Advisory Council:**

The following resolution was proposed by Councilmember Livermore and seconded by Councilmember Baldwin:

**BE IT ENACTED** by the Town Board of the Town of New Lebanon as follows:

**TOWN OF NEW LEBANON**  
Local Law No. 2 of 2010

**A LOCAL LAW DESIGNATING THE CLERK AND DEPUTY CLERK OF THE TOWN COURT TO BE POSITIONS IN THE EXEMPT CLASS OF THE CLASSIFIED SERVICE AND AUTHORIZING THE TOWN BOARD OF THE TOWN OF NEW LEBANON TO APPOINT AN INDIVIDUAL WHO HAS NOT TAKEN THE CIVIL SERVICE EXAMINATION TO THE POSITION OF COURT CLERK AND/OR DEPUTY COURT CLERK**

**BE IT ENACTED** by the Town Board of the Town of New Lebanon as follows:

**Section 1. Title of Local Law.**

This Local Law shall be entitled "A LOCAL LAW DESIGNATING THE CLERK AND DEPUTY CLERK OF THE TOWN COURT TO BE POSITIONS IN THE EXEMPT CLASS OF THE CLASSIFIED SERVICE AND AUTHORIZING THE TOWN BOARD OF THE TOWN OF NEW LEBANON TO APPOINT AN INDIVIDUAL WHO HAS NOT TAKEN THE CIVIL SERVICE EXAMINATION TO THE POSITION OF COURT CLERK AND/OR DEPUTY COURT CLERK."

**Section 2. Exempt Class Designation.**

A. Pursuant to Civil Services Law § 41(d), the office of one clerk and one deputy clerk of the Court of the Town of New Lebanon is hereby designated as a position in the exempt class of the classified service.

B. Positions placed in the exempt class constitute an exception to the constitutional mandate that all positions as far as practicable must be filled only after competitive examinations. Pursuant to the Rules

for the Classified Service of the Department of Civil Service set forth in 6 NYCRR § 2.1, positions in the exempt class, other than unskilled labor positions, are those for which competitive or non-competitive examinations or other qualification requirements are not practicable.

**Section 3. Appointment of Court Clerk.**

The Town Board of the Town of New Lebanon is hereby authorized to appoint an individual who has not taken the civil service examination to the position of Town Court Clerk and/or Deputy Court Clerk, subject to the advice and consent of the town justice or justices as required by Town Law § 20(1)(b).

**Section 4. Severability.**

If any section or part of this Local Law is declared invalid or unconstitutional, it shall not be held to invalidate or impair the validity, force or effect of any other section of this Local Law.

**Section 5. Effective Date.**

This Local Law shall take effect immediately.

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

Roll Call Vote:

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

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

A copy of this local law will be sent to Cathy Hogencamp at Columbia County Civil Service.

**Court Clerk Appointment:**

A motion was made by Councilmember Baldwin, seconded by Councilmember Livermore, and passed unanimously (Councilmember Chittenden absent) to appoint Diane Brown as the Court Clerk through 12/31/2010.

**NEW BUSINESS:**

**Tax Collector’s Computer – Inclusion in TAP Program:**

A motion was made by Councilmember Livermore, seconded by Councilmember Clark, and approved unanimously to include the Tax Collector’s Computer in the TAP Program at a cost of approximately \$700 annually.

**Zoning Re-Write:**

The Town Board decided to have all language relating to the overlays from the proposed law as discussed at the January 25<sup>th</sup> public hearing and set another public hearing date for Monday, March 22<sup>nd</sup> at 7:00 p.m. at the New Lebanon Firehouse and the Town Board requested that the town website be updated with this information.

**ANNOUNCEMENTS:**

**March:**

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

**BUDGET AMENDMENT:**

**Amendment No. 3 of 2010**

**General Fund:**

\$100.00 from Safety Inspection: Contractual Expense (A-3620.4)

\$100.00 to Safety Inspection: Equipment (A-3620.2)

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

**AUDIT OF THE BILLS:**

General Fund Claim Nos. 45 through 85, in the amount of \$19,100.39; and  
Highway Fund Claim Nos. 16 through 27, in the amount of \$13,532.10;  
As set forth in Abstract No. 2, dated February 8, 2010; were audited.

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

**PRIVILEGE OF THE FLOOR:**

**Robert Mittnacht** addressed the Town Board regarding the Zoning Enforcement Officer and submitted a letter regarding the same. The Town Board suggested that Mr. Mittnacht submit a letter to the Zoning Enforcement Officer as he asked and he will act. Councilmembers Baldwin and Livermore agreed to attend a 9:00 a.m. meeting with the Zoning Enforcement Officer and Mr. Mittnacht on Tuesday, February 9<sup>th</sup>.

**Trina Porte** addressed the town board noting her concerns about the \$4,000 for the grant writer; her desire to see model of the town hall project not just plans on paper before the Town Board commits to funding anything; and noted that the expenditures for trucks and equipment is capped at \$60,000 after which it requires that a referendum be put before the voters.

**ADJOURNMENT:**

A motion was made by Councilmember Livermore and seconded by Councilmember Clark to adjourn the meeting at 10:00 p.m.

Respectfully submitted,

Colleen Teal, RMC  
Town Clerk  
(notes by Darla Dobert, Deputy Town Clerk)