

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

Present: Margaret Robertson, Supervisor
Bruce Baldwin, Councilmember
Doug Clark, Councilmember
Allen Livermore, Councilmember
Karl (K.B.) Chittenden, Councilmember

Recording Secretary: Darla Dobert, Deputy Town Clerk

Others Present: Sonya Van Bortel, Town Attorney
Jeff Winestock, Highway Superintendent
Tom Seamon, Darrow School
Nancy Wolf, Darrow School
Monte Wasch, Deputy Town Supervisor
Leonard (Rocky) Brown
Jack Yurish
J. J. Johnson
Trina Porte, Planning Board Member
Several other members of the public

CALL TO ORDER:

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

MINUTES APPROVAL:

The minutes of the **January 11, 2010 Regular Monthly Meeting** were reviewed; a motion was made by Councilmember Baldwin, seconded by Councilmember Clark and passed unanimously to approve the minutes as typed.

The minutes of the **January 25, 2010 Public Hearing on Proposed Zoning Re-Write** were reviewed; a motion was made by Councilmember Chittenden, seconded by Councilmember Baldwin and passed (Councilmember Livermore abstained) to approve the minutes as typed.

The minutes of the **February 8, 2010 Public Hearing on Proposed Local Law No. 1 of 2010 ~ Establishing a Conservation Advisory Council; the February 8, 2010 Public Hearing on Proposed Local Law No. 2 of 2010 ~ Court Clerks; and the February 8, 2010 Regular Monthly Meeting** were reviewed; a motion was made by Councilmember Livermore, seconded by Councilmember Baldwin and passed (Councilmember Chittenden abstained) to approve the minutes as typed.

SUPERVISOR'S REPORT:

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

DARROW SCHOOL: TOWN OF NEW LEBANON GRANT APPLIATION ~ STORM DRAINAGE PROJECT:

Tom Seamon, Facilities Director for Darrow School, addressed the Town Board requesting that the town enter an agreement with Darrow School to so that the grant application for the storm drainage project can proceed. The application must be submitted by the municipality so an agreement should be drafted and executed that lays out the responsibilities of both parties.

A motion was made by Councilmember Baldwin, seconded by Councilmember Chittenden and passed unanimously to authorize the town attorney to draft an agreement between Darrow School and the Town of New Lebanon for the storm drainage project.

MIDTOWN MALL – Federal HUD Community Development Block Grant:

Deputy Town Supervisor, Monte Wasch, requested that the town board schedule a public hearing for the presentation of the Community Development Block Grant to the public.

A motion was made by Councilmember Baldwin, seconded by Councilmember Livermore, and passed unanimously to hold a Public Hearing on the Federal HUD Community Development Block Grant for the Midtown Mall project on Monday, april 12, 2010 at 6:45 p.m.

Deputy Town Supervisor, Monte Wasch, requested that the town board approve the hiring of a consultant to write and manage the grant. There was a general discussion regarding escrowing the funds for the consultant.

A motion was made by Councilmember Baldwin, seconded by Councilmember Clark, and passed unanimously to authorize the hiring of a consultant to write and manage the grant subject to the deposit by the Midtown Mall of \$2,992.50 into an escrow account to be held by the town attorney.

PRIVILEGE OF THE FLOOR:

Leonard (Rocky) Brown addressed the town board regarding **time clocks**. Highway Superintendent, Jeff Winestock noted that he disagrees with the need for time clocks. He is an elected official and he is managing his staff.

Jack Yurish addressed the town board regarding **background checks** and **time clocks** noting his feeling that background checks are crucial in this day and age. Councilmember Chittenden noted that background checks are done on the Summer Youth staff and further noted that the town's insurance company has stated that the absence of time clocks is not a liability.

J.J. Johnson addressed the town board noting that her comments made at the last meeting were not included in the minutes. Additionally, Ms. Johnson submitted four (4) letters of complaint again the Zoning Enforcement Officer.

Leonard (Rocky) Brown addressed the town board regarding the **state bid** for the **town truck**. It was noted that the state contract pricing information was not received before the meeting.

Nancy Wolf, Darrow School, addressed the town board regarding an application for a variance for Darrow School to erect **four (4) wind turbines**. Ms. Wolf was advised that she need to go before the Zoning Board of Appeals for a variance.

Trina Porte addressed the Town Board regarding **the agreement between Darrow School and the town** noting that it should be Darrow's responsibility to draft the agreement and also regarding the **town hall project** and the site plan for the town hall.

HIGHWAY BIDS:

2010 4-Wheel Drive Cab and Chassis:

The Deputy Town Clerk provided the Town Board with proof of publication of the notice of bid requests as follows:

NOTICE TO BIDDERS
HIGHWAY DEPARTMENT
TOWN OF NEW LEBANON
COUNTY OF COLUMBIA

NOTICE IS HEREBY GIVEN that the TOWN OF NEW LEBANON HIGHWAY DEPARTMENT is seeking sealed bids for a 2010 4-wheel drive cab and chassis with a minimum GVW 18,750. Specs are available at the office of the Town Clerk and/or the Town Highway Superintendent. Bids MUST be in a SEALED, PLAIN WHITE ENVELOPE (no logo); marked "TRUCK BID"; include a NON-COLLUSIVE BIDDING CERTIFICATION and received in the office of the Town Clerk at the New Lebanon Town Hall, 14755 Route 22, New Lebanon, New York, no later than 5:00 P.M. on MONDAY, MARCH 8, 2010. The bids will be opened at the meeting of the New Lebanon Town Board at 7:00 pm on Monday, March 8th at the American Legion Building at 7 Mill Road in New Lebanon, New York.

Jeffrey Winestock
Highway Superintendent

The following sealed bids were received:

West Herr Ford ~ Hamburg:

4 WD Cab Chassis Truck ~ 2011 Ford F550	\$38,864
Delivery 90-100 days ARO	

Marchese Ford & Mercury:

4 WD Cab Chassis Truck ~ 2011 Ford F550	\$39,950
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Vision Automotive Group:

4 WD Cab Chassis Truck ~ 2010 Ford F550	\$37,714
Deduct \$224 without PTO provision	

Village Dodge, Inc.:

4 WD Cab Chassis Truck ~ 2011 Ford F550	\$38,922
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Upon review, the following items were noted by the Highway Superintendent:

The Village Dodge bid does not meet specifications; it does not have dual batteries.

Marchese Ford & Mercury is local and the cost to travel for service and maintenance as well as time lost is saved by buying locally; additionally, if break-down, transport to Rochester or Hamburg would be very costly. Highway Superintendent, Jeff Winestock, requested that the town board accept the bid from Marchese Ford & Mercury.

A motion was made by Councilmember Livermore, seconded by Councilmember Clark, and passed unanimously to accept the bid for the 2011 4WD Cab and Chassis from Marchese Ford & Mercury in the amount of \$39,950.

Ten Foot Combination Dump-Spreader Body, Front Plow Equipment Package:

The Deputy Town Clerk provided the Town Board with proof of publication of the notice of bid requests as follows:

NOTICE TO BIDDERS
HIGHWAY DEPARTMENT
TOWN OF NEW LEBANON
COUNTY OF COLUMBIA

NOTICE IS HEREBY GIVEN that the TOWN OF NEW LEBANON HIGHWAY DEPARTMENT is seeking sealed bids for a ten foot combination dump-spreader body, front plow equipment package. Equipment specifications are available at the office of the Town Clerk or the Town Highway Superintendent. Bids MUST meet or exceed specifications; be in a SEALED, PLAIN WHITE ENVELOPE (no logo); marked "EQUIPMENT PACKAGE BID "; and received in the office of the Town Clerk at the New Lebanon Town Hall, 14755 Route 22, New Lebanon, New York, no later than 5:00 p.m. on MONDAY, MARCH 8, 2010. The bids will be opened at the regular monthly Town Board meeting that evening at 7:00 p.m. The Town Board reserves the right to reject or accept all bids.

Jeffrey Winestock
Highway Superintendent

The following bid was received:

Zwack Inc.:

Everest SDS10G3039 All Season Body \$45,375

Highway Superintendent Winestock requested time to review the specifications on the Zwack bid. The town board tabled the decision on accepting or rejecting this bid until the end of the meeting to allow the Highway Superintendent to review the bid.

International Cab and Chassis:

Highway Superintendent Winestock asked that the town board set a special meeting to review the information on the state contract pricing on the international cab and chassis. The town board announced they would review the state contract bidding for the international cab and chassis at a special meeting to be held on March 22, 2010 at 7:00 p.m. at the American Legion Building.

Bid for Equipment for 2011 550 Truck:

Highway Superintendent Winestock requested board authorization to go out to bid for the dump-plow body/equipment for the 2011 F550 Truck.

A motion was made by Councilmember Baldwin, seconded by Councilmember Livermore and passed unanimously to authorize the Highway Superintendent to put out a bid request for the equipment package for the 2011 F550 Truck.

COMMITTEE REPORTS:

Economic & Business Development:

Councilmember Clark reported that the Lebanon Valley Business Association has put out a newsletter and he noted that it was very informative.

Highways, Buildings, & Town Property:

Town Hall Project:

Councilmember Baldwin updated the town board on the town hall project.

Landfill:

Councilmember Clark and Supervisor Robertson updated the town board on the landfill and there was a general discussion about the situation.

Zoning, Planning, Code Enforcement, & Assessor:

Zoning and Code Enforcement Officers and Assessor:

There was a general discussion about the duties, job descriptions, and monthly reports of the Zoning and Code Enforcement Officers and the Assessor.

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

Court:

Councilmembers Livermore and Chittenden reported that they met with the court staff regarding their concerns and they are looking for the town board to:

- approve an **intern** for the court; and
- approve **more hours** for the court clerk or authorize the hiring of more staff.

Court Clerk Brown requested a deputy court clerk for 17 hours per week. The town board tabled this topic until the April meeting.

It was noted that the joint bail account needs to be audited by the town board so that it can returned to the court. Supervisor Robertson will set up a time with Court Clerk Brown to audit the account.

COMMUNICATIONS:

#01 – *Richard Hohlstein, New Lebanon*

Re: Request to take over two (2) emergency driveways on Chairfactory Road

The town board declined the request.

#02 – *Lebanon Valley Speedway*

Re: Summer Liquor License Renewal

No action taken by the town board.

OLD BUSINESS:

Trina Porte request for changes in November Minutes:

The minutes were approved on January 11th; no action taken by the town board.

EXECUTIVE SESSION:

A motion was made by Councilmember Chittenden, seconded by Councilmember Livermore and passed unanimously to enter an executive session at 9:13 p.m. to discuss the position of Park Maintenance Superintendent.

A motion was made by Councilmember Livermore, seconded by Councilmember Chittenden and passed unanimously to close the executive session and re-open the public meeting at 9:35 p.m.

A motion was made by Councilmember Livermore, seconded by Councilmember Chittenden and passed unanimously to re-appoint Charly Sears as the Park Maintenance Superintendent for the year 2010.

OLD BUSINESS Continued:

Advertisement for Deputy Zoning Enforcement Officer:

The town board tabled this until they can meet with the Zoning Enforcement Officer.

NEW BUSINESS:

Time Clocks:

A motion was made by Councilmember Baldwin, seconded by Councilmember Livermore to have time clocks required across the board for all non-elected employees. Councilmember Livermore voted aye. Councilmembers Chittenden, Clark, and Baldwin and Supervisor Robertson voted nay. The motion did not carry.

ANNOUNCEMENTS:

March:

Town Board Meeting ~ Monday, April 12, 2010 at 7:00 p.m. at the American Legion Building

AUDIT OF THE BILLS:

General Fund Claim Nos. 86 through 122, in the amount of \$107,082.87; and Highway Fund Claim Nos. 28 through 50, in the amount of \$29,695.53; As set forth in Abstract No. 3, dated March 8, 2010; were audited.

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

A motion was made by Councilmember Baldwin, seconded by Councilmember Livermore, and passed unanimously to pay the above noted general fund claims excepting claim no. 122. The total general fund claims approved in the amount of \$53,995.63.

BUDGET AMENDMENT:

Amendment No. 3-A of 2010

General Fund:

\$38,088 from Contingency (A-1990.4)

\$38,088 to Engineers (A-1440.4)

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

AUDIT OF BILLS Continued:

General Fund Claim No. 122, in the amount of \$53,087.24, being paid from account number A-1440.4 (Engineers), as set forth in Abstract No. 3, dated March 8, 2010; was audited.

A motion was made by Councilmember Livermore, seconded by Councilmember Chittenden and passed (Councilmember Clark abstained, Councilmember Baldwin voted nay) to pay the above noted claim in the amount noted from the account noted.

A motion was made by Councilmember Clark, seconded by Councilmember Baldwin and passed unanimously to send a letter from the town to the County requesting immediate reimbursement for all engineering expenses to date in regard to the closure of the landfill.

OTHER:

Supervisor Robertson read a letter from Phyllis Hulbert expressing her regret that she cannot **mow** the **West Lebanon Cemetery** for 2010.

A motion was made by Councilmember Chittenden, seconded by Councilmember Baldwin, and approved unanimously to **request proposals for lawn care for the American Legion Building and/or the West Lebanon Cemetery.**

Supervisor Robertson reported to the town board that with the power outage situation the town recently experienced, Matt Larabee has offered to help develop a **Town Emergency System Plan.** Councilmembers Livermore and Chittenden noted that this should be explored. Matt Larabee requested that the town board authorize the Town Supervisor to obtain a scanner so that she can be informed in such emergencies. A motion was made by Councilmember Livermore, seconded by Councilmember Baldwin, and passed unanimously to **purchase a scanner** for \$104.99 for the Town Supervisor.

Highway Superintendent Jeff Winestock addressed the town board regarding the **sidewalks** inquiring about maintenance; who will be responsible for taking care of the sidewalks?

ADJOURNMENT:

A motion was made by Councilmember Chittenden and seconded by Councilmember Livermore to adjourn the meeting at 10:25 p.m.

Respectfully submitted,

Colleen Teal, RMC

Town Clerk

(notes by Darla Dobert, Deputy Town Clerk)