

**MINUTES OF THE REGULAR MONTHLY MEETING OF  
THE TOWN BOARD OF THE TOWN OF NEW LEBANON  
HELD ON SEPTEMBER 14, 2009**

**Present:** Margaret Robertson, Supervisor  
Bruce Baldwin, Councilmember  
Allen Livermore, Councilmember  
Monroe (Monte) Wasch, Councilmember  
Karl B. Chittenden, Councilmember

**Recording Secretary:** Colleen Teal, Town Clerk

**Others Present:** Jason Shaw, Attorney for the Town  
David Stocks, Shaker Museum & Library  
Matt Larabee, NL Rep. to CC Traffic Safety Council  
John Dax, NL Rep. to CC Environmental Management  
Council  
Kathy Murnane, NL Rep. to CC Office for the Aging  
Jeffrey Winestock, Highway Superintendent  
Doug Banker, LVHS  
Trina Porte, Planning Board Member  
Matt Murnane, Planning Board Member  
Chuck Gerald, ZBA Member  
Ted Krolikowski  
Ian Chambers  
Bob Green, Reporter for *The Chatham Courier*  
Alex Brooks, Reporter for *The Eastwick Press*  
Gail Heinsohn, Reporter for *The Columbia Paper*  
Several other members of the public

**CALL TO ORDER:**

The meeting was called to order at 7:05 p.m. by Supervisor Robertson. A moment of silence was followed by the flag salute.

**MINUTES APPROVAL:**

The minutes of the **August 10, 2009 Public Hearing on Local Law No. 2 of 2009 ~ Ethics** and the **August 10, 2009 Regular Monthly Meeting** 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.

**SUPERVISOR'S REPORT:**

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

Councilmember Wasch asked why there were no receipts for Justice Poppey on the report. Supervisor Robertson noted that she has not received any monies from Justice

Poppey for July or August.

**HIGHWAY / FLOODING:**

Supervisor Robertson noted that Pat Slattery assisted the Town Highway department in road repairs during the flooding and that Mr. Slattery had donated a vacation day toward the time he spent with the New Lebanon Highway Department. To express the town's appreciation for Mr. Slattery's assistance, the Town Board is presenting him with a Certificate of Appreciation. Supervisor Robertson further noted that she had invited Mr. Slattery to attend tonight's meeting so they could present the certificate personally; however, Mr. Slattery was unable to attend tonight.

**COLUMBIA COUNTY TRAFFIC SAFETY COUNCIL:**

Matt Larabee, New Lebanon Representative on the Columbia County Traffic Safety Council, reported that he attended his first council meeting. The meetings are held the fourth Tuesday of each month and he will report to the board monthly. He noted that anything that we would like to have done on the road, such as speed limits, has to be submitted to the County Highway Department in the form of a resolution of the Town Board and a copy should also be submitted to the council through Mr. Larabee. From the County Highway Department, the requests are submitted to the state. It is a long process. Mr. Larabee noted that he will obtain a copy of a sample resolution and get it to the town clerk.

Mr. Larabee also reported that with regard to Route 20 by the speedway, the County Sheriffs and the State Police are patrolling that area and issuing tickets for violations. With regard to comments about the need to reduce the speed limit on County Route 9 North, Mr. Larabee noted that this should be acted on by the board in the form of a resolution as noted above. Councilmember Wasch noted his concern regarding the need for a no-passing zone from the flashing light at the intersection of Route 22 South and Route 20 to Canaan Road and inquired if this would be addressed in the same manner. Mr. Larabee noted that it would.

Mr. Larabee also noted that the town should be eligible for more grants now that we have a member on this council.

**SHAKER MUSEUM AND LIBRARY:**

David Stocks, Shaker Museum & Library, presented information on both the Wash House and the Great Stone Barn grants. Both grants require a municipal sponsor and the town board had agreed to be the municipal sponsor. The Wash House grant is a 100% funded grant. The Great Stone Barn is an 80/20 grant with the grant monies covering 80% of the project and the organization being responsible for raising the 20% match. With both grants, the town acts as a "pass-through." The work is done and the museum pays the contractor. The paid bill is then submitted to the town for reimbursement. The town does not pay the reimbursement but submits the bill DOT for reimbursement. DOT reimburses the town and the town in turn reimburses the museum.

Mr. Stocks noted that the Great Stone Barn is structurally at risk for collapse and an engineering puzzle for safe renovation work. The first step is to stabilize the barn and then they have to decide later whether to do the work to restore it or to leave it as it is.

To proceed with both projects, the museum needs the town board to adopt a DOT resolution for each grant project. In reviewing the resolutions provided by DOT, it was determined that the wording did not describe a “pass-through” arrangement. The town board tabled the adoption of the resolutions until the Town Attorney could review them. The town board agreed to schedule a special meeting to address the resolutions if the wording of the resolutions was resolved.

Mr. Stocks noted the exhibition on the Great Stone Barn: Built, Burned and Beyond is currently at the Granary. He also presented information on the major projects the Shaker Museum & Library had this summer including a field program of the National Park Service that will document through drawing, photography, and on the web the North Family landscape; a collaboration with the North Bennet School of Boston that provided four interns that performed restoration work on the exterior of the Granary; and a two-week workshop in timber framing. Mr. Stocks also noted that they plan to expand the collaboration program with the North Bennet School of Boston next summer.

Highway Superintendent Jeff Winestock noted that the aqueduct at the Mount Lebanon Shaker site needs to be addressed. This past flood, part of it plugged up and the run-off damaged Shaker Road. If this is not addressed quickly, Superintendent Winestock noted that it will completely take out Shaker Road. Mr. Stock noted that they have the names of three companies that perform municipal storm system clean-out. The solution is to clean out the aqueduct without damaging the historic artifact.

#### **COLUMBIA COUNTY ENVIRONMENTAL MANAGEMENT COUNCIL:**

John Dax, New Lebanon Representative on the Columbia County Environmental Management Council, reported that he provided the town board with a written report regarding the last meeting of the council and noted that the meetings are held the last Monday of each month. Mr. Dax noted that he will continue to submit written reports and requested that the town board let him know if there are any questions.

Mr. Dax also inquired where the Zoning Re-Write process stands. Supervisor Robertson responded that Doug Clark, Clark Engineering, is making changes to the map.

#### **PRIVILEGE OF THE FLOOR:**

**Trina Porte** addressed the town board regarding a Municipal Tower Ownership Program (MTO) through JNS Towers, LLC and provided the board with some printed material about this program. In summary, JNS designs, markets, constructs and maintains a tower for the town on town property whereby JNS receives its compensation through a revenue sharing agreement in which all rental income will be split 50/50 between the town and JNS. Ms. Porte noted that this will bring broadband into New Lebanon.

**Ian Chambers** addressed the town board regarding a “twinning program” or “sister city” program. Mr. Chambers noted that Bury, England has a local soccer team called

the “shakers.” The board asked Mr. Chambers to provide them with more information on “twinning” with this city in England.

**Matt Murnane** addressed the town board regarding the recent request by property owners on Covenant Circle for the town to adopt Covenant Circle and make it a town road. Adoption of Covenant Circle will be added to the October agenda. Councilmember Baldwin noted that he will not be at that meeting but wanted to comment on the request. He noted that he drove Covenant Circle after the flood and it held up fine; however, we are financially hit with the cost of the flood and we cannot afford to adopt additional roads.

## **COMMITTEE REPORTS:**

### ***Announcements:***

*~ no report ~*

### ***Economic & Business Development:***

#### **Restore NY ~ Mid-Town Mall Project:**

Councilmember Wasch reported that the Restore New York applied for by the Mid-Town Mall project was not approved. However, there will be a subsequent round and the state has said that this application is still “alive” for subsequent rounds.

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

#### **Flooding at Intersection of Canaan Road and Route 20:**

Highway Superintendent Jeff Winestock noted that the problems with the Wyomanock Creek in this area have to be dealt with; the stream needs to be cleaned out. Chuck Geraldini noted that the Bouchard clean-up by DEC has caused some of the flooding problems. They took out gravel and replaced it with sand and then installed a catch basin that drains into clogged catch basins. The last time the creek bed was cleaned-out was the mid-1970s. Councilmember Chittenden noted that we will not get the Army Corp of Engineers out here until there is a major washout. They want to fix after a major problem, not before. Highway Superintendent Winestock will contact DEC and NYS DOT to discuss the beaver dams, the “clogged” creek bed, the run-off from the Bouchard property, and the clogged catch basins.

#### **Tennis Courts and Basketball Court at Shatford Park:**

Councilmember Chittenden noted that if the courts are not completely done, they are very close. He also noted that we need new nets for the tennis courts.

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

#### **BAR Reappointment:**

A motion was made by Councilmember Baldwin, seconded by Councilmember Wasch, and approved unanimously to reappoint Robert Weber to Board of Assessment Review for a five-year term from 10/01/2009 through 9/30/2014.

### ***Education & Recreation:***

#### **Recreation Commission:**

Trina Porte submitted a letter of resignation from the Recreation Commission due to the fact that the commission has been inactive. The town board accepted her resignation.

**Columbia County Office for the Aging:**

Kathy Murnane, New Lebanon Representative to the Columbia County Office for the Aging, reported that the Columbia County Health Department will be holding a flu clinic in New Lebanon on Thursday, October 8<sup>th</sup> from 9:30 to 11:00 a.m. at the Immaculate Conception Church meeting hall. She is working in Hudson three days a month from 9:00 to 3:00 counseling on Medicare. Ms. Murnane reported that the balance in the fuel account is \$4,500.

***Security, Fire, Law Enforcement, Justice Court & Constable:*****Abolishment of Town Court:**

Councilmember Baldwin asked the Town Attorney if the Town Board has any authority over suspending the activities of the town court. The Town Attorney noted not over suspending activities although they may be able to abolish the whole town court through a referendum.

***Town Administration & Systems: ~ no report ~******Town Hall Project:*****Request for Qualifications for Architectural Services:**

A motion was made by Councilmember Wasch, seconded by Councilmember Livermore and approved unanimously to authorize Clark Engineering to issue the Request for Qualifications for Architectural Services for the Town Hall Project to a qualified group of engineering and architectural firms; to designate a subcommittee to review the responses to the RFQ, to interview the selected respondents, and to provide the town board with three (more or less) recommendations; and further to designate the committee members as Doug Banker, Tony Murad, Kent Pratt, Councilmember Baldwin, and Councilmember Wasch.

Trina Porte requested inclusion on this committee. Supervisor Robertson noted that Ms. Porte could be designated an alternate in case one of the other designees could not participate.

Councilmember Baldwin noted the he received an email complaint regarding the decision the use the current town hall structure; both the town board and the building committee have looked at many alternatives and there is no solution that is going to make everyone happy.

Sharon Wheeler noted that a comment made during last month's meeting regarding a 50% rule for renovations is not accurate; there is no such rule. It was acknowledged by Councilmember Baldwin that this misinformation had already been corrected for the board and the building committee.

***Update on County Board and Committee Meetings:***

Supervisor Robertson reported on the activities of various boards' and committee's that she sits on at the County level noting that the minutes of these committee meetings are available on the County website.

**COMMUNICATIONS:****#01 – Christine Schultz, Albany**

*Re: Camping in the Park for dog agility programs*

It was noted that our current legislation specifically prohibits the use of the park as a camping ground. Councilmember Baldwin and the Zoning Enforcement Officer will look at alternatives with Ms. Schultz.

**#02 – Thaddeus Krolikowski**

*Re: Letter of Interest for Zoning Board of Appeals*

A motion was made by Councilmember Baldwin, seconded by Councilmember Wasch, and approved unanimously to appoint Thaddeus (Ted) Krolikowski to the Zoning Board of Appeals to finish out a seven year term to expire 12/31/2014.

**#03 – Pete Rawson**

*Re: Letter of Resignation from Ethics Committee*

The town board accepted the resignation of Pete Rawson from the Ethics Committee and asked the town clerk to advertize to fill the vacancies on the Ethics Committee.

**Renewals/Applications:**

*#1 - The Triple Nickel*

The town board noted no objection; no action required.

*#2 - The Gallup Inn*

The town board noted no objection; no action required.

**OLD BUSINESS:**

***Conservation Advisory Council ~ draft legislation:***

This item was tabled until the October meeting.

***No Smoking Legislation:***

This item was tabled until the October meeting.

***Campground Ordinance Amendment:***

This item was tabled until the October meeting.

**NEW BUSINESS:**

***Deputy Town Supervisor:***

Supervisor Robertson reported that she has appointed Councilmember Karl B. Chittenden as Deputy Town Supervisor.

***Highway Matters:***

***County Route 9 North, Speed limit:***

The following resolution was proposed by Councilmember Bruce Baldwin and seconded by Councilmember Monroe Wasch:

***REQUEST FOR SPEED LIMIT REDUCTION ON COUNTY ROUTE 9 NORTH OF ROUTE 20***

BE IT RESOLVED THAT the Town Board of the Town of New Lebanon hereby requests that for reasons of traffic safety, the speed limit on County Route 9 on the North side of Route 20, from the intersection of US Route 20 to the Rensselaer County line be reduced from 55 miles per hour to 40 miles per hour as posted on County Route 9 South.

BE IT FURTHER RESOLVED THAT a certified copy of this resolution shall be filed with the Columbia County Highway Department and the Columbia County Traffic Safety Council for consideration.

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 Allen Livermore	Aye
Councilmember Monroe Wasch	Aye
Councilmember Karl B. Chittenden	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.

**US Route 20 from Intersection of Route 22 South west to Canaan Road, no passing zone:**

The following resolution was proposed by Councilmember Bruce Baldwin and seconded by Councilmember Monroe Wasch:

**REQUEST FOR A "NO PASSING" ZONE ON US ROUTE 20 FROM THE INTERSECTION OF ROUTE 22 SOUTH WEST TO THE INTERSECTION OF CANAAN ROAD**

BE IT RESOLVED THAT the Town Board of the Town of New Lebanon hereby requests that for reasons of traffic safety, a "no passing" zone be established on US Route 20 from the intersection of Route 22 South west to the intersection of Canaan Road.

BE IT FURTHER RESOLVED THAT a certified copy of this resolution shall be filed with the Columbia County Highway Department and the Columbia County Traffic Safety Council for consideration.

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 Allen Livermore	Aye
Councilmember Monroe Wasch	Aye
Councilmember Karl B. Chittenden	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.

**ANNOUNCEMENTS:**

***September:***

Building/Town Hall Committee ~ October Meeting Cancelled

Town Board Meeting ~ Monday, October 12<sup>th</sup> @ 7:00 p.m. @ the American Legion Building

**BUDGET AMENDMENT:****Amendment No. 7 of 2009:**

General Fund:

\$130.00 from A-1990.4 (Contingent)  
to A-7310.4 (Summer Youth Program: Contractual Expenses)

**Interfund Transfers:**

Increase General Fund Appropriated Balance	\$50,000
Increase Interfund Transfer-Out (A-9901.9)	\$50,000

Increase Interfund Transfers-In (DA-5031)	\$50,000
Increase General Repairs: Contr. Exp. (DA-5110.4)	\$50,000

*(\$50,000 is for unanticipated expenses associated with flooding.)*

A motion was made by Councilmember Wasch, seconded by Councilmember Baldwin, and passed unanimously to approve the above noted amendments to the 2009 Budget.

**AUDIT OF THE BILLS:**

General Fund Claim Nos. 307 through 342, in the amount of \$70,183.47; and  
Highway Fund Claim Nos. 119 through 136, in the amount of \$57,242.03;  
As set forth in Abstract No. 9, dated September 14, 2009; were audited.

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

**EXECUTIVE SESSION:**

A motion was made by Councilmember Wasch, seconded by Councilmember Livermore and approved unanimously to enter an executive session at 9:15 p.m. to discuss the closing of the landfill with Barton and Loguidice and to discuss current litigation.

A motion was made by Councilmember Chittenden, seconded by Councilmember Baldwin and passed unanimously to close the executive session and re-open the public meeting at 10:30 p.m.

**ADJOURNMENT:**

A motion was made by Councilmember Wasch and seconded by Councilmember Chittenden to adjourn the meeting at 10:30 p.m.

Respectfully submitted,

Colleen Teal, RMC  
Town Clerk