

**MINUTES OF THE REGULAR MONTHLY MEETING OF
THE TOWN BOARD OF THE TOWN OF NEW LEBANON
HELD ON OCTOBER 19, 2009**

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

Absent: Allen Livermore, Councilmember

Recording Secretary: Colleen Teal, Town Clerk

Others Present: Jeffrey Winestock, Highway Superintendent
Matt Larabee, NL Rep. to CC Traffic Safety Council
Chuck Geraldi, ZBA Member
Trina Porte, Planning Board Member
Howard Commander, Lebanon Valley Speedway
Garry Waters
Tom Field
Joanne Johnson-Smith
Bob Green, Reporter for *The Chatham Courier*
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 **September 14, 2009 Regular Monthly Meeting** were reviewed; a motion was made by Councilmember Wasch, seconded by Councilmember Chittenden and passed unanimously (Councilmember Livermore absent) to approve the minutes as typed.

SUPERVISOR'S REPORT:

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

Councilmember Wasch wanted noted the glaring omission of court revenues from Justice Poppey. Supervisor Robertson reported that she finally received the July and August checks.

LEBANON VALLEY SPEEDWAY:

Howard Commander addressed the Town Board regarding the RV's parked at the Speedway during the summer. Mr. Commander noted that he is not operating a campground; he has event parking. He also stated that not one track in the United States had to apply for a campground permit to provide overnight event parking. Mr. Commander asked the Town Board, when they amend the campground law, to view his

activities as event parking. He does not run a campground and he does not want to run a campground. He is willing to put gates up and to lock the gates after an event is over. The Town Board noted that there is a difference between a parked “vacant” camper and a camper that is being occupied. Mr. Commander noted that “event parking” provides a measure of safety in that attendees can go to the event, go to club house, go across the street and go to sleep; then get up in the morning and leave. This is how he would like to handle it and he would like to put up gates that he will lock the day following the event. The Town Board asked Mr. Commander if he would “evict” someone who occupied a camper beyond the locking of the gates. Mr. Commander noted that he would and noted again that he does not want to run a campground. Garry Waters addressed the Town Board noting that even as a resident of New Lebanon, he parks his camper at the speedway.

Mr. Commander provided the Town Board with a letter from Stewart Doty, Editor of Racing Promotion Monthly which summarizes common overnight event parking practices in the short track industry.

PRIVILEGE OF THE FLOOR:

Tom Field addressed the town board regarding concerns about “a construction debris composting facility” in Copake that is “thinly disguised” as a farm and noting that his concern is that a similar facility could locate itself in New Lebanon. The Town Board noted that they are very aware of both the Copake situation and the New Lebanon concerns. The Board further noted that this type of activity should fall under the County’s jurisdiction through the solid waste management program as well as the importance of the Supervisor expressing these concerns to the County Board of Supervisors.

Trina Porte addressed the town board regarding the sidewalk project. It was noted by Supervisor Robertson that there are several components of the project that she wants readdressed including having sidewalks on *both* sides of Route 20 and safety concerns since US Route 20 is *very* different from “Main Street” in small towns and villages.

COMMITTEE REPORTS:

Announcements:

~ no report ~

Economic & Business Development:

Lebanon Valley Business Association:

Councilmember Wasch reported that the Business Association is hosting a “Meet the Candidates” forum on Thursday, October 29th at 6:30 p.m. at the New Lebanon Firehouse. He further noted that the Business Association has gone over a list of businesses on the “miracle mile” and noted that a number of them are on the market. They will be meeting again to discuss what the business community can do to help themselves.

Highways, Buildings, & Town Property:

Columbia County Traffic Safety Council:

Matthew Larabee updated the town board on the resolutions submitted to the Council.

Covenant Circle, Request for Adoption:

Supervisor Robertson asked Highway Superintendent Winestock for his opinion. Superintendent Winestock noted that he is not thrilled with the way the road is constructed and it needs a lot of work. At a minimum, the road needs fabric and a foot of quality gravel for a distance just short of two miles. As it stands, he would not recommend taking over the road. Councilmember Baldwin noted that possibly the association would enter into an agreement with the town to pay for an engineer to assess the road and what is needed to bring it up to specifications. He further noted that, fiscally he does not see it as a reality right now but maybe the town can reconsider next summer. Councilmember Wasch recommended meeting with the homeowners association to discuss options and their willingness to invest in the road. Superintendent Winestock noted that in the spring, it is very difficult to get up in there and back out again. He further noted that if it was not a burden to the taxpayers, he would not be opposed to it.

Wyomanock Creek, flooding and maintenance:

Supervisor Robertson noted that she has two contacts at DEC that have offered to look into this situation. Councilmember Baldwin noted that there are two overflow culverts on Canaan Road that are rusted out.

Town Clerk Teal noted that she spoke with Thomas Blanchard, DEC Floodplain Manager for Region 4. He noted that the town should contact the Natural Resource Conservation Service (NRCS) regarding stream maintenance and a water shed study. Additionally, the contacts at DEC that the town should have involved in this situation are Mike Higgins and Nancy Baker. Continued maintenance on the Wyomanock should be addressed in the County Hazard Mitigation Plan; beefing up this part of the plan should be one of the first steps. It is also important that the town track all flood and water damages caused by situation; both town property (ie. Shaker Road) and individuals effected by the situation. One of the most important reasons is that within the flood insurance program, repetitive losses “bump you up” into mitigation monies.

Jim Winestock noted that there is a six foot culvert with only about one foot of space left in it for water to run through. However, if DOT ramrods it out, it ends up on his front lawn. The problem is growing. Trees on his property are dying and are being up-rooted. His cellar and house have been flooded numerous times over the past six to seven years. However, he has lived in the house for twenty-eight years.

Zoning, Planning, Code Enforcement, & Assessor:**New DEC rules prohibiting burn barrels:**

Supervisor Robertson noted the new regulations prohibiting burn barrels and restricting open burning. The town board requested that a link to the DEC information on these new rules be put on the town website.

Education & Recreation: ~ no report ~***Security, Fire, Law Enforcement, Justice Court & Constable:*****Approval of travel expenses for Justice McHugh to attend NYS Magistrates Conference:**

A motion was made by Councilmember Wasch and seconded by Councilmember Baldwin and approved unanimously (Councilmember Livermore absent) to approve

Justice McHugh's attendance at the NYS Magistrates' Conference and reimbursement/payment of the appropriate travel expenses for his attendance.

Complaints:

Court Clerk Renfro submitted a lengthy list of complaints regarding the non-responsiveness of the town court. Supervisor Robertson noted that she has received numerous telephone calls with similar complaints. The town board recommended passing the information on to both judges and both clerks. Councilmember Wasch noted that Clerk Renfro cannot respond to some inquiries because she has been denied access to some court records. After general discussion it was agreed that Councilmember Wasch will draft a letter to the Office of Court Administration (OCA) for the Supervisor to approve regarding the situation.

Town Administration & Systems:

Fairpoint Contract:

Town Clerk Teal reported the following contract and savings options on the telephone lines used by the town offered by Fairpoint Communications:

- 1 year term – annual savings of \$393,
- 3 year term – annual savings of \$607, or
- 5 year term – annual savings of \$1048.

A motion was made by Councilmember Wasch, seconded by Councilmember Baldwin and approved unanimously (Councilmember Livermore absent) to authorize Clerk Teal to contract with Fairpoint for a term of five (5) years for the town telephone lines for an annual savings of approximately \$1,048.

Town Hall Project:

Request for Qualifications for Architectural Services Responses:

Councilmember Baldwin reported that the Building subcommittee will be meeting at 7:00 p.m. on Wednesday to review the RFQ responses and the committee will recommend a limited number to be interviewed.

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.

OLD BUSINESS:

Old Post Road Landfill:

Councilmember Baldwin noted his frustration with the Old Post Road Landfill situation including his inability to obtain a copy of a "supposed" document that was signed by a former Supervisor; inability to obtain a copy of the contract or agreement with Barton & Loguidice; inability to get the town attorney to pursue the county's obligation in the closing of the landfill; etcetera.

ANNOUNCEMENTS:

Budget Workshops (at the American Legion Building):

- Tuesday, October 20th @ 7:00 p.m.
- Thursday, October 22nd @ 7:00 p.m.
- Tuesday, October 27th @ 7:00 p.m.

- Wednesday, October 28th @ 7:00 p.m.
- Saturday, October 31st @ 9:00 a.m.

Building/Town Hall Committee ~ Wednesday, November 4th @ 7:00 p.m. @ the American Legion Building

Public Hearing on 2010 Preliminary Budget ~ Thursday, November 5th @ 7:00 p.m. @ the American Legion Building

Town Board Meeting ~ Monday, November 9th @ 7:00 p.m. @ the American Lgion Building

LVBA Sponsored "Meet the Candidates" Forum ~ Thursday, October 29th @ 6:30 p.m. @ the New Lebanon Firehouse

BUDGET AMENDMENT:

Amendment No. 8 of 2009:

General Fund:

Increase General Fund Appropriated Balance (A03400) \$18,100

Increase Parks: Contractual Expenses (A-7110.4) \$18,100

(Monies donated by film company to be used for tennis and basketball court repairs.)

\$6,000 from A-7110.2 (Parks: Equipment)
to A-7110.4 (Parks: Contractual Expenses)

\$8,000 from A-1440.4 (Engineer: Contractual Expenses)
To A-1420.4 (Attorney: Contractual Expenses)

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

AUDIT OF THE BILLS:

General Fund Claim Nos. 343 through 396, in the amount of \$137,238.07; and

Highway Fund Claim Nos. 137 through 151, in the amount of \$39,644.27;

As set forth in Abstract No. 10, dated October 19, 2009; were audited.

A motion was made by Councilmember Wasch, seconded by Councilmember Baldwin, and approved unanimously (Councilmember Livermore absent) to pay the above noted claims from their respective accounts with the following exception: General Claim No. 369 from Barton & Loguidice in the amount of \$53,087.24 was denied. The total General Fund Claims approved is thereby reduced to \$84,150.83.

The town board noted denial is based on the fact that the obligation to close the landfill belongs to Columbia County; Barton & Loguidice were hired by the County originally (approximately twenty years ago) to do the assessment of the Old Post Road Landfill; and the Councilmembers have not had an opportunity to thoroughly review the agreement with Barton & Loguidice.

PRIVILEGE OF THE FLOOR:

Chuck Geraldi addressed the town board regarding concerns about: the Town Attorney; the revising of the campground ordinance; the town board's response to

Howard Commander's concerns and questions regarding a campground versus event parking at the Speedway; and the fact that the town attorney, not the town board, has the copy of the agreement with Barton & Loguidice regarding the Old Post Road Landfill.

Joanne (JJ) Johnson-Smith addressed the town board regarding the denials of Robert Mittnight's applications regarding his real property in West Lebanon and her frustration that the town does not need to abide by its own by-laws. Ms. Johnson-Smith also noted that the Zoning Enforcement Officer was not legal for four years, not being a resident of New Lebanon; although he has been legal for the past year. She stated that she felt everything done while he was illegal should be reversed and payed back.

Trina Porte addressed the town board regarding the highway department and the requirement that expenditures for highway equipment in excess of \$60,000 be put to the voters.

Rocky Brown addressed the town board regarding his feeling that the town should be using time clocks for all town staff and doing background checks on all new hires.

ADJOURNMENT:

A motion was made by Councilmember Chittenden and seconded by Councilmember Wasch to adjourn the meeting at 9:15 p.m.

Respectfully submitted,

Colleen Teal, RMC
Town Clerk