

**MINUTES OF THE SPECIAL YEAR END MEETING OF
THE TOWN BOARD OF THE TOWN OF NEW LEBANON
HELD ON DECEMBER 28, 2009**

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

Absent: Allen Livermore, Councilmember

Recording Secretary: Colleen Teal, Town Clerk

Others Present: Jason Shaw, Attorney for the Town
Jeff Winestock, Highway Superintendent
Doug Clark, Councilmember-Elect
Tony Murad, ZBA, Building Committee & Zoning
Re-write Committee Member
Diane Brown, Deputy Court Clerk
Phillip Brown
Leonard (Rocky) Brown
Joe Iuviene, Architectural Bureau

CALL TO ORDER:

The meeting was called to order at 7:12 p.m. by Supervisor Robertson and the flag salute followed a moment of silence.

OLD BUSINESS:

Approve 2008/2009 JACP Grant:

A motion was made by Councilmember Wasch, seconded by Councilmember Chittenden and passed unanimously (Councilmember Livermore absent) to accept the J-CAP Grant award, JCAP Grant ID # 4965, in the amount of \$6,154.32 and to authorize the court to make the purchases authorized under this grant award.

The board noted that the installation of the air conditioners requires the approval of the Lebanon Valley Protective Association (LVPA). Supervisor Roberson will contact the LVPA and request approval to have two (2) wall-unit air conditioners installed in the court offices.

NEW BUSINESS:

Lebanon Valley Protective Association Contracts – Fire & Ambulance:

A motion was made by Councilmember Baldwin, seconded by Councilmember Wasch and passed unanimously (Councilmember Livermore absent) to accept and execute the Lebanon Valley Protective Association Fire Contract and the Lebanon Valley Protective Association Ambulance Contract.

ANNOUNCEMENTS:

January:

Town Board Organizational Meeting ~ Monday, January 4th @ 7:00 p.m. @ the American Legion Building

Town Board Annual Audit ~ Saturday, January 9th @ 9:00 a.m. @ the Town Hall

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Public Hearing on Mid-Town Mall Project ~ Monday, January 11th @ 6:45 p.m. @ the American Legion Building

Town Board Meeting ~ Monday, January 11th @ 7:00 p.m. @ the American Legion Building

Public Hearing (continuation) on Proposed Zoning Re-Write ~ Monday, January 25th @ 7:00 p.m. @ the New Lebanon Firehouse

BUDGET AMENDMENT (NO. 10 of 2009):

General:

- \$100** from A-1660.4 (Central Storeroom: Contractual Expenses)
- \$100** to A-1670.4 (Central Print. & Mail.: Contractual Expenses)
- \$50** from A-1980.2 (Central Data Processing: Equipment)
- \$50** to A-1980.4 (Central Data Processing: Contractual Expenses)

Highway:

- \$3,650** from DA-5110.4 (Machinery: Contractual Expenses)
- \$3,650** to DA-5142.4 (Snow Removal: 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. 465 through 480, in the amount of ~~\$11,358.63~~ \$11,094.59; and Highway Fund Claims Nos. 188 through 192, in the amount of \$3,415.33; As set forth in Abstract No. 12A, dated December 28, 2009; were audited.

Councilmember Chittenden noted that voucher no. 474 payable to High Peaks Resort is for two nights for the judges' conference for Judge McHugh and one night was already paid. The judges get reimbursed for one night and their mileage by the state; therefore, the town should only be paying for two nights for each judge. Justice Poppey's voucher was for two nights.

A motion was made by Councilmember Wasch, seconded by Councilmember Baldwin, and passed unanimously (Councilmember Livermore absent) to pay the above noted claims from their respective accounts except that voucher no. 474 is to be paid in the amount of \$264.04.

ENCUMBRANCES:

General:

Central Data Processing (A-1680.4)	\$700	5-Year Tech Plan
Assessor: Data Collectors (A-1355.12)	\$1,000	Data Collectors
JCAP Grant	\$5,705.22	grant purchases

Highway:

Snow Removal (DA-5142.4)	\$2,000	Salt Delivery from Cargill
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A motion was made by Councilmember Wasch, seconded by Councilmember Chittenden, and passed unanimously (Councilmember Livermore absent) to encumber the above noted monies from the 2009 Budget.

HIGHWAY CAPITAL RESERVE FUND:

Resolution # 29, 2009 ~ Highway Capital Reserve Fund

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

Highway Capital Reserve Fund

WHEREAS, it is the intention of the New Lebanon Town Board to set aside monies to be used for the purchase of equipment and/or the erection of structures for the Town Highway Department; and

WHEREAS, the New Lebanon Town Board put \$15,000 in the 2009 Town Budget in Highway Fund Appropriations Account DA-9950.9 (Capital Project Fund) for this purpose;

NOW THEREFORE, BE IT RESOLVED THAT the New Lebanon Town Board hereby establishes a **Highway Capital Reserve Fund** for the purposes noted above and hereby authorizes the transfer of **\$15,000** from the 2009 Town Budget, Highway Fund Appropriations Account DA-9950.9 (Capital Project Fund) to this Highway Capital Reserve Fund.

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	Absent
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.

OTHER:

Lebanon Valley Historical Society ~ Internet Access:

The Lebanon Valley Historical Society (LVHS) recently purchased a new computer with grant monies to use in their Archives Project. To get full capacity from the new computer, it is necessary to connect to the internet. They can connect to the town's DSL without any additional charge to the town. The LVHS is requesting approval to use a CAT 5 cable and a hub that were donated by the film company and which are not being used by the town. These items would remain the property of the town.

A motion was made by Councilmember Baldwin, seconded by Councilmember Chittenden, and passed unanimously (Councilmember Livermore absent) to approve the use of the town's CAT 5 cable and hub at the Town Hall and noted that these items are

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being loaned to Lebanon Valley Historical Society but remain the property of the Town of New Lebanon.

Old Post Road Landfill:

There was a general discussion regarding the Old Post Road Landfill. Encumbrance of funds for the payment of the Barton & Loguidice bill including invoices 47733, 49850 and 49851 totaling \$53,087.24 was discussed and was not approved based due to the question as to who is responsible for the closure of the landfill. Attorney Shaw provided the Town Board with more historic documents regarding the landfill closure and there was discussion about the history of the closure as well as how the town planned to proceed with the closure.

A motion was made by Councilmember Wasch, seconded by Councilmember Chittenden, and passed unanimously (Councilmember Livermore absent) to table any further discussion at this time; not to encumber any funds at this time; and to schedule a meeting as soon as possible but no later than January 31, 2010 with the County Attorney and the Chairman of the Board of Supervisors.

Town Hall Project ~ Architect Contract:

After review by the town board and the town attorney, several changes were discussed with Joe Iuviene of Architectural Bureau.

A motion was made by Councilmember Wasch, seconded by Councilmember Chittenden, and passed unanimously (Councilmember Livermore absent) to approve execution of the agreement (AIA Document B151-1997, Abbreviated Standard Form of Agreement Between Owner and Architect) between the Town of New Lebanon (owner) and Joseph Iuviene, AIA, Architectural Bureau with the following amendments:

elimination of Section 7.2 Arbitration (pp. 11-12); amending Section 10.2.1.1 to read: “.1 ~~transportation in connection with the Project,~~ authorized out-of-town travel and subsistence; ~~and electronic communications~~”(p. 14); and elimination of Section 11.5.2 (p. 17).

PRIVILEGE OF THE FLOOR:

Leonard (Rocky) Brown addressed the Town Board regarding the closing of the landfill and noted that he feels the town board should stop spending completely until they find out the result of the landfill closure. Mr. Brown noted he did not want to jeopardize the town hall project but the town needs to “pull back” until the landfill issue is determined.

Tony Murad addressed the Town Board regarding the Proposed Zoning Re-write noting that the overlays are very complicated and the zoning should be adopted in its entirety. Mr. Murad recommended that the town board direct the Zoning Re-write Committee to get a plan for the overlays, right or wrong, to be presented to the town board noting that it is not fair to the residents to adopt it piecemeal; we need to “get it all on the table.” We need to go to the final public hearing with all of the facts; the reception by the public will be better.

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Jeff Winestock, Highway Superintendent, addressed the town board regarding a “Violence in the Workplace” training to be held at the town highway garage on January 5th at 9:00 a.m. and noted that it is for all town employees.

ZONING RE-WRITE SEQR FULL ENVIRONMENTAL ASSESSMENT FORM PREPARATION:

A motion was made by Councilmember Baldwin, seconded by Councilmember Wasch, and passed unanimously (Councilmember Livermore absent) to declare the Town of New Lebanon as Lead Agency to conduct the SEQR review with regard to the adoption of the new zoning law.

A motion was made by Councilmember Wasch, seconded by Councilmember Chittenden, and passed unanimously (Councilmember Livermore) to declare the adoption of the new zoning law as a Type 1 Action under SEQR.

The town board completed Part 1 and Part 2 of Form 617.20 Appendix A, State Environmental Quality Review, Full Environmental Assessment Form. A motion was made by Councilmember Wasch, seconded by Councilmember Baldwin, and passed unanimously (Councilmember Livermore absent) that upon review of the information recorded in the EAF (Parts 1 and 2), and any other supporting information, and considering both the magnitude and importance of each impact, it is reasonably determined by the New Lebanon Town Board that the project will not result in any large and important impact(s) and, therefore, is one which will not have a significant impact on the environment; therefore a negative declaration will be prepared.

OTHER:

Zoning Re-write Overlays:

It was noted by both Tony Murad and Supervisor Robertson that they strongly supported the adoption of the new zoning law with the overlays completed.

Councilmember Monroe Wasch:

Councilmember Baldwin acknowledged Monte Wasch’s four (4) years on the Town Board and a vote of confidence in Monte’s involvement with the Town Board. This sentiment was seconded by Supervisor Robertson.

ADJOURNMENT:

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

Respectfully submitted,

Colleen Teal
Town Clerk