

**MINUTES OF THE REGULAR MONTHLY MEETING OF
THE TOWN BOARD OF THE TOWN OF NEW LEBANON
HELD ON AUGUST 10, 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: Sonya Smelyansky, Attorney for the Town
Stan Koloski, Zoning Enforcement Officer
Michelle Bienes, SYP Camp Director
Doug Clark
John Dax, ZBA Chairman
Trina Porte, Planning Board Member
Jack Yurish, CPIC Committee
Jeffrey Winestock, Highway Superintendent
Tony Murad, Zoning Board of Appeals Member
Leonard (Rocky) Brown
Sesame Campbell, Reporter for *The Chatham Courier*
David Flint, 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 7:00 p.m. by Supervisor Robertson. A moment of silence was followed by the flag salute.

MINUTES APPROVAL:

The minutes of the **July 13, 2009 Public Hearing on Charter Franchise Agreement** were reviewed; a motion was made by Councilmember Wasch, seconded by Councilmember Livermore and passed (Councilmember Chittenden abstained) to approve the minutes as typed.

The minutes of the **July 13, 2009 Regular Monthly Meeting** were reviewed; a motion was made by Councilmember Livermore, seconded by Councilmember Wasch 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 Chittenden, seconded by Councilmember Wasch, and passed unanimously to accept the Supervisor's Report.

COLUMBIA COUNTY TRAFFIC SAFETY COUNCIL UPDATE:

Supervisor Robertson noted that due to a fire, Matt Larabee was not in attendance and this item would be tabled until he arrived or until next month as necessary.

SUMMER YOUTH PROGRAM:

Michelle Bienes, Camp Director, updated the Town Board on the Summer Youth Program. Total enrollment for the program was 87 children which is a ten percent increase over last year. Daily attendance averaged around 60 to 65 children. On July 23rd there was an attempted abduction of one of the campers. Knowledge of an incident the day before in an abutting town prompted Ms. Bienes to check the local registry and provide information to the program staff as well as address the campers about safety.

The camper and counselor involved in the incident were able to pick the offender out of a photo array and the camper was able to provide police with a partial license plate number. The offender has been apprehended. Additionally, Ed Coons of the Columbia County Health Department commended the staff on how professionally they handled the incident and he will be including abduction prevention in the annual county-wide youth program training and using New Lebanon's handling of the situation as a model. Councilmember Wasch noted that he would like recognize the staff for their professionalism. Supervisor Robertson noted that she would send a letter to each staff member. Ms. Bienes also reported that there was a staff injury; one of the counselors was climbing on the jungle-gym and slipped and came down on his side and severed a piece of his kidney. The counselor is doing well; he is home from the hospital and the injured kidney is working. In closing, Ms. Bienes noted that Friday, August 14th is the last day of program and they are having a carnival and she invited the board members to drop in and to participate if they would like.

EXECUTIVE SESSION:

A motion was made by Councilmember Wasch, seconded by Councilmember Livermore and passed unanimously to enter an executive session at 7:15 p.m. to discuss **litigation** cases with the Zoning Enforcement Officer and an **appeal of the Ethics Board findings** with the Town Clerk.

A motion was made by Councilmember Wasch, seconded by Councilmember Livermore and passed unanimously to close the executive session and re-open the public meeting at 7:15 p.m.

Litigation:

A motion was made by Councilmember Wasch, seconded by Councilmember Livermore and passed unanimously to authorize the Town Attorney and the Zoning Enforcement Officer to continue action with respect to the Robert Mittnacht property (Tax Map No. 7.-2-20.11) and to take all appropriate action necessary for the Zoning Enforcement Officer to inspect the property and, if necessary, to contract for the removal of items in violation of the zoning ordinance.

Appeal of Ethics Findings:

A motion was made by Councilmember Wasch, seconded by Councilmember Chittenden, and approved (Councilmember Baldwin abstained) to refrain from accepting the three recommendations relating to the Town Clerk in the findings of the Ethics Board dated January 12, 2009 including the recommendation that a bill be generated to Stanley Koloski for a FOIL request made on November 6, 2008 and fining of the Town Clerk for not charging; the recommendation that all vouchers requesting reimbursement go

A motion was made by Councilmember Baldwin, seconded by Councilmember Wasch, and approved unanimously to accept the Copeland premium quote for the tennis courts and the Copeland quote for the basketball court.

Highways and Roads:

Supervisor Robertson noted that she declared a state of emergency on July 29th and it is still in effect. There was a lot of damage to almost every road in town and she noted the speed, efficiency, and continuous effort made by the highway department to make and keep the roads passable; it was truly commendable. The Town Board and the entire audience applauded the New Lebanon Highway Department.

Councilmember Baldwin noted that the county loaned us a man and equipment. The county employee, Pat Slattery, took a vacation day from the county on Friday and donated his time to the town. The town board noted their appreciation of this act and a written thank you will be sent to Mr. Slattery.

Supervisor Robertson noted that the fire company, emergency crews, and others also worked hard to keep things going and she will draft a resolution for the town board to adopt acknowledging all of the support the Town received. New Lebanon was the hardest hit town during this flood.

Highway Superintendent Jeff Winestock noted that we still do not know the full extent of the damage. During these types of situations, water can undermine the road while everything on the surface looks fine. Superintendent Winestock noted that he received a call from the New York State Police just before the meeting to report that a part of Shaker Road had collapsed.

There was a general discussion about the aqueduct at the Shaker Museum property on Shaker Road and the possible options for dealing with a one hundred fifty year old structure.

Zoning, Planning, Code Enforcement, & Assessor:

Conservation Advisory Council:

The town attorney provided the Town Board with a draft local law to establish a Conservation Advisory Council. Ms. Smelyansky noted that the town board should consider the following options when reviewing the draft:

- (1) How many people should be on the council;
- (2) Who will appoint the members (i.e. the Town Board);
- (3) Will there be ex-officio members;
- (4) The state law allows one member to be between the ages of 16 and 18, does the board want this;
- (5) Does the board want to restrict members to residents of the town;
- (6) Will the members be compensated;
- (7) Who will be designated as the secretary of the council?

Ms. Smelyansky also noted that once the council is established, they will need to make an annual reporting to the Town Board and to the state commissioner of environmental conservation. Additionally, within thirty days following the establishment of the Council, written notification must be sent to the state commission of environmental conservation.

The board will review the draft, consider the options, and readdress at the September meeting.

Education & Recreation:

Councilmember Livermore reported that the Youth Commission did not meet this month.

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

Shared Services - Town of Canaan:

Councilmember Livermore noted that while both New Lebanon and Canaan Courts are losing money, the more he has looked into the idea of shared services in this area; he does not see where there would be a cost savings. However, there may be other areas where a cost savings could be realized. The board decided to put this item aside for now but to keep it in mind for future opportunities.

Town Administration & Systems: ~ no report ~

Town Hall Project:

Councilmember Baldwin reported that, at this point, the committee has exhausted all the options and is focusing on the current town hall site. Doug Banker prepared the last presentation on the New Lebanon Firehouse. They have been through the Chittenden property, the CeramTech Building, and several others. Now they are trying to look at the town hall and see it from "outside the box." They will be meeting on Wednesday, August 19th at the American Legion Building to look at configurations for the town hall. Councilmember Baldwin noted that the committee would like to have an architect sit in on the meeting in September. Additionally, Councilmember Baldwin spoke with the auditors and the town can serve as the General Contractor for the project but they must bid out each step or phase of the project. If the town did its own contracting, it would save over twenty percent on the project. Also, he spoke with Kent Pratt, Code Enforcement Officer, and if we renovate less than fifty percent of the current structure, we do not need to bring that part of the building up to code.

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 – Lebanon Valley Historical Society (LVHS)

Re: Historian's Office and Custody of the Historical Artifacts

Doug Banker, LVHS Officer, was present to discuss the following letter dated July 15, 2009 with the town board:

Dear Board Members:

In 2007, the Lebanon Valley Historical Society adopted a strategic plan to strengthen the Society's role in the community. This plan recognizes the importance of collaboration in an effective working relationship with the Town Historian. We have researched NY State guidelines for historical societies and historians, and are working toward alignment with those standards.

Two areas of these guidelines with which the Town does not currently comply are:

- The Town Historian should be provided with an office from which to do business (see <http://www.nysm.nysed.gov/services/historian/srvguidelines.html>). The Historian should not be made to conduct the Town's business from his or her home.
- The Historian should not manage the storage of historical records and artifacts. Governmental historical records are the responsibility of the Records Management Officer. Non-governmental historical records should be placed in the custody of a library, historical society or other educational repository.

The LVHS Board of Directors has determined that the office space currently occupied by the LVHS in the Town Hall was originally the Historian's office. This was the case when both Joseph Salls and Ernest Smith were the Historians. Pursuant to this finding, the Board has made an agreement with Kevin Fuerst, the current Historian, to share that office space. Kevin has a key to the office and filing space has been made available to him. This cooperative agreement eliminates the first issue listed above.

With regard to the storage issue, the LVHS Board of Directors proposed that the Town transfer custody of non-governmental historical records (documents and other artifacts), including any being held by the Historian, to the Society. Items will be formally accessioned as property of the Town and held on its behalf by the LVHS. Management of these artifacts will be done according to the LVHS Collections Policy, with the stipulation that no item will be de-accessioned unless the Town Board requests or approve the action. All items placed in the LVHS archives will be documented and catalogued following professional archival standards. The catalog will be a searchable index to all holdings, making it easier for the general public, researchers, and custodians to find items in the archives.

Please let us know your response to this proposal at your earliest convenience. If you approve custody, the LVHS will work with the Records Management Officer and the Historian to gather the records. The LVHS will document the transfers and send reports to the Town Board as the work progresses.

Sincerely,

Helen Burton, President
For the LVHS Board of Directors

Town Clerk/Records Management Officer, Colleen Teal, noted that she forwarded a copy of the request to Andrew Raymond, Regional Advisory Officer for State Archives – Region 3. He responded that the LVHS may be able to offer a better storage environment for non-governmental records. He also noted that if the town decides to proceed with this, the town and the LVHS should enter into a repository agreement outline the role and responsibilities of LVHS as the physical custodian of these records. He further recommended that we take this occasion to review and possibly de-accession some of the records acquired by past historians before the transfer takes place and that he would be happy to discuss this with us further if we felt it would be helpful.

A motion was made by Councilmember Wasch, seconded by Councilmember Chittenden, and passed unanimously to authorize the Town Clerk to work with the appropriate state agencies and the LVHS to develop the necessary document(s) to transfer the records.

Doug Banker noted that Sharon Koomler from the Shaker Museum may be interested in assisting us.

OLD BUSINESS:***Resolution # 23, 2009 ~ Enactment of Local Law No. . 2 of 2009 ~ Ethics:***

The following resolution was proposed by Councilmember Monroe Wasch and seconded by Councilmember Allen Livermore:

LOCAL LAW NO. 2 of 2009**A LOCAL LAW ENACTING A CODE OF ETHICS AND ESTABLISHING
A BOARD OF ETHICS 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 Enacting a Code of Ethics and Establishing a Board of Ethics for the Town of New Lebanon."

Section 2. Authorization:

This Local Law is enacted pursuant to section 806 of the General Municipal Law and section 10 of the Municipal Home Rule Law and is not intended to authorize any conduct prohibited by Article 18 of the General Municipal Law.

Section 3. Statement of legislative intent.

The Town Board of the Town of New Lebanon recognizes that there are state statutory provisions mandating towns to establish rules and standards of ethical conduct for public offices and employees which, if observed, can enhance public confidence in local government. The purpose of this Local Law is to implement this objective through the establishment of high standards of ethical conduct for officers and employees of the Town, to afford officers and employees of the Town guidance on such standards, to provide for punishment of the violation of such standards, to create a board of ethics to render advisory opinions to the town's officers and employees as provided for herein, and to provide for the fair and effective administration of this Local Law.

SECTION 4: Supersession of General Municipal Law section 808; Repeal of Existing Town Ethics Laws.

The standards, prohibited acts and procedures established herein are in addition to any prohibited acts, conflicts of interest provisions or procedures prescribed by statute and case law relating to the conduct of town officers and employees. To the extent this Local Law is inconsistent with the provisions of section 808 of the General Municipal Law, this Local Law shall supersede those provisions.

SECTION 5: Definitions.

As used in this local law, the term "Town" shall mean any board, commission, district, council or other agency, department or unit of the government of the Town of New Lebanon.

The term "town employee" shall mean any officer or employee of the Town of New Lebanon, whether paid or unpaid, including members of any administrative board, commission or other agency thereof, whether serving in a full-time, part-time or advisory capacity. The term "town employee" does not include a person who is a member of a volunteer emergency services organization or a person who serves without compensation on a temporary town committee and who is not otherwise an employee or officer of the town.

SECTION 6: Rules With Respect to Conflicts of Interest.

(a) No town officer or employee shall have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity or incur any obligation of any nature, which is in substantial conflict with the proper discharge of his duties in the public interest.

(b) No town officer or employee shall have an interest in any contract with the municipality of which he is an officer or employee, whether individually or as a member of a board, nor shall any such town officer or employee have the power or duty to negotiate, prepare, authorize or approve such contract or payments thereunder, audit bills or claims under such contract or appoint an officer or employee who has any of the powers or duties set forth herein.

(c) No chief fiscal officer, treasurer or deputy or employee of the Town shall have an interest in a bank or trust company designated as a depository of funds of the municipality. This subsection does not prohibit ownership of up to five percent of the outstanding shares of such bank or trust company.

(d) No town officer or employee shall accept other employment which will impair his independence of judgment in the exercise of his official duties.

(e) No town officer or employee shall accept employment or engage in any business or professional activity which will require him to disclose confidential information which he has gained by reason of his official position or authority. Town officers and employees and former Town officers and employees shall not disclose any confidential information acquired by them in the course of their official duties or use it to further personal interests.

(f) No town officer or employee shall use or attempt to use his official position to secure unwarranted privileges or exemptions for himself or others.

(g) No town officer or employee shall engage in any transaction as representative or agent of the town with any business entity in which he has a direct or indirect financial interest that might reasonably tend to conflict with the proper discharge of his official duties.

(h) Each town officer or employee shall refrain from making personal investments in enterprises which he has reason to believe may be directly involved in decisions to be made by him or which will otherwise create substantial conflict between his duty in the public interest and his private interest.

(i) Each town officer or employee shall pursue a course of conduct which will not raise suspicion among the public that he is likely to be engaging in acts that are in violation of his trust.

(j) Each town officer or employee shall disclose any interest of which he is aware in any matters pending before any board of the Town.

(k) No town officer or employee shall directly or indirectly solicit any gift or accept or receive any gift having a value of Seventy-Five Dollars (\$75.00) or more whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise or in any other form under such circumstances in which it could reasonably be inferred that the gift was intended to influence him or could reasonable be expected to influence him in the performance of his official duties or was intended as a reward for any official action on his part.

(l) A Town officer or employee shall promptly recuse himself from acting on a matter before the Town when acting on the matter, or failing to act on the matter, may financially benefit any of the following persons: (i) the town officer or employee; (ii) his outside employer or business; (iii) member of his household; (iv) a customer or client; (v) a relative; or (vi) person from whom the officer or employee has received election campaign contributions of more than \$1000 in the aggregate during the past twelve months.

(m) No Town resources may be used in furtherance of such campaign activities, including, but not limited to, mass mailings, telephones, office supplies, postage, copying machines, computers or support staff.

(n) No Town officer shall knowingly act contrary to a lawful resolution or motion duly adopted by the Town Board.

SECTION 7: Disclosure of Interest.

Any municipal officer or employee who has, will have, or later acquires an interest in an actual or proposed contract with the municipality or other matter pending before any board or agency thereof, shall publicly disclose the nature and extent of such interest in writing to the governing body thereof as soon as he has knowledge of such actual or prospective interest.

SECTION 8: Penalties

(a) Disciplinary action. Any Town officer or employee who engages in any action that violates any provision of this Local Law may be warned or reprimanded or be subject to any other sanction authorized by law or collective bargaining agreement, by the appointing authority or person or body authorized by law to impose such sanctions. A warning, reprimand, or other authorized sanction may be imposed in addition to any other penalty contained in this Local Law or in any other provision of law.

(b) Damages. A Town officer or employee who violates any provision of this Local Law shall be liable in damages to the Town for any losses or increased costs incurred by the Town as a result of the violation. Such damages may be imposed in addition to any other penalty contained in any other provision of law or in this Local Law, other than a civil forfeiture pursuant to subdivision (c) of this section.

(c) Civil forfeiture. A Town officer or employee who intentionally or knowingly violates any provision of this Local Law may be subject to a civil forfeiture to the Town of a sum equal to three times the value of any financial benefit he received as a result of the conduct that constituted the violation. A civil forfeiture may be imposed in addition to any other penalty contained in any other provision of law or in this Local Law, other than a civil fine pursuant to subdivision (c) or damages pursuant to subdivision (b) of this section.

(d) Violation. A Town officer or employee who intentionally or knowingly violates any provision of this Local Law may be guilty of a Violation and be subject to a maximum fine of \$250 for each such violation or a 15 day term of imprisonment or both.

(e) Enforcement. With the exception of subsection (a) above, the Town Board shall have exclusive jurisdiction to enforce the provisions of Section 6 by commencing an action in a court of competent jurisdiction in furtherance of such enforcement.

SECTION 9: Board of Ethics.

(a) There is hereby established a Board of Ethics consisting of at least five (5) members who three shall constitute a quorum to be appointed by the Town Board, all of whom reside in the Town of New Lebanon and who shall serve without compensation for a term of five (5) years. A majority of such members shall be persons other than town officers or employees but shall include at least one member who is an appointed town officer or employee of the Town of New Lebanon.

(b) Advisory Board. Upon the written request of any Town officer or employee, the Board of Ethics may render a written advisory opinion with respect to the interpretation or application of this Local Law or of Article 18 of the General Municipal Law of the State of New York. Any other person may similarly request an advisory opinion but only with respect to whether his own action might violate a provision of this Local Law or Article 18. The opinions of the Board of Ethics shall be advisory and in no event shall the identity of the town officer or employee be disclosed. Such opinions may be on the advice of the Town Attorney or such attorney as may be authorized for the Board of Ethics by the Town Board.

i. Advisory opinions and requests for advisory opinions shall be indexed and maintained on file by the Board of Ethics.

ii. Any person who has submitted to the Board of Ethics a written request for an advisory opinion may bring a special proceeding pursuant to Article 78 of the Civil Practice Law and Rules for an order compelling the Board of Ethics to issue the advisory opinion. In addition to, or in lieu of, such injunctive relief, the person may seek a judgment in accordance with section 3001 of the Civil Practice Law and Rules determining the question posed in the request for the advisory opinion. No action or special proceeding

shall be prosecuted or maintained pursuant to this subdivision unless (a) it shall appear by and as an allegation in the petition or complaint that at least six months have elapsed since the filing of the request and that the Board of Ethics has failed to file any determination in the matter.

SECTION 10: Board of Ethics jurisdiction, powers and duties.

- (a) The Board of Ethics may only act with respect to officers and employees of the Town.
- (b) The termination of a municipal officer's or employee's term of office or employment with the Town shall not affect the jurisdiction of the Board of Ethics with respect to the requirements imposed on the officer or employee by this Local Law.
- (c) The Board of Ethics shall have the following powers and duties:
 - i. To prescribe and promulgate rules and regulations governing its own internal organization and procedures in a manner consistent with this Local Law;
 - ii. To review, index, maintain on file, and respond to written complaints and to make notifications and conduct investigations pursuant to Section 11 of this Local Law;
 - iii. To render, index, and maintain on file advisory opinions and/or other necessary records pursuant to section 9(b) of this Local Law;
 - iv. To provide training and education to Town officers and employees pursuant to section 13 of this Local Law;
 - v. To prepare an annual report and recommend changes to this Local Law pursuant to section 14 (a) of this Local Law; and
 - vi. To provide for public inspection of certain records pursuant to section 15 of this Local Law.

SECTION 11: Investigations.

- (a) Upon receipt of a written complaint by any person alleging a violation of this Local Law, or upon determining on its own initiative that a violation of this Local Law may exist, the Board of Ethics shall have the power and duty to conduct any investigation necessary to carry out the provisions of this Local Law.
- (b) The Board of Ethics shall state in writing the disposition of every written complaint it receives and of every investigation it conducts and shall set forth the reasons for the disposition. All such statements and all written complaints shall be indexed and maintained on file by the Board. The Town officer or employee who was under investigation shall be notified of the outcome of the investigation in writing within thirty (30) days of the Board's decision.
- (c) Any person filing a written complaint shall be notified of receipt of said complaint within thirty (30) days of receipt stating that the matter is under investigation or not under investigation. Such person shall also receive notification that a complaint under investigation has been completed within thirty (30) days of completion.
- (d) Nothing in this section shall be construed to permit the Board of Ethics to conduct an investigation of itself or of any of its members or staff. If the Board of Ethics receives a written complaint alleging that the Board or any of its members or staff has violated any provision of this Local Law, or any other law, the Board shall promptly transmit to the Town Board a copy of the written complaint. In such instance, the Town Board shall have all of the powers and duties of the Board of Ethics as set forth in this Section of this Local Law.

SECTION 12: Hearings, assessment of penalties, and disciplinary action.

In its discretion, after a hearing providing for due process procedural mechanisms and subject to any applicable provisions of law and collective bargaining agreements, the Board of Ethics may recommend appropriate disciplinary action pursuant to Section 8 of this Local Law. The

recommendation of the Board of Ethics shall be made to the Town Board. The Ethics Board shall conduct and complete the hearing with reasonable promptness, unless in its discretion the Ethics Board refers the matter to the Town Board. If such a referral is made, the Ethics Board may adjourn the matter pending determination by the Town Board.

Judicial Review. Any person aggrieved by a decision of the Board of Ethics or the Town Board may seek judicial review and relief pursuant to Article 78 of the Civil Practice Law and Rules of the State of New York.

SECTION 13: Training and Education.

Educating officials and the public on Article 18 of the General Municipal Law and the local ethics laws are among the most important functions of a Board of Ethics. Therefore, the Board of Ethics shall:

(a) Make information concerning this Local Law and Article 18 of the General Municipal Law available to the officers and employees of the Town, to the public, and to persons interested in doing business with the Town; and

(b) Develop educational materials and an educational program for the officers and employees of the Town on the provisions of this Local Law and on Article 18 of the General Municipal Law.

SECTION 14: Annual Reports; Review of Ethics Laws.

(a) The Board of Ethics shall prepare and submit an annual report to the Town Board of the Town of New Lebanon, summarizing the activities of the Board. The report may recommend changes to the text or administration of this Local Law.

(b) The Board of Ethics shall periodically review this Local Law and the Board's rules, regulations, and administrative procedures to determine whether they promote integrity, public confidence, and participation in Town government and whether they set forth clear and enforceable, common sense standards of conduct.

SECTION 15: Public Inspection of Records; Public Access to Meetings.

(a) The only records of the Board of Ethics which shall be available for public inspection are those whose disclosure is required by Article 6 of the Public Officers Law of the State of New York (Freedom of Information Law) or by some other State or Federal law or regulation.

(b) No meeting or proceeding of the Board of Ethics concerning misconduct, nonfeasance, or neglect in office by a Town officer or employee shall be open to the public, except upon the request of the officer or employee or as required by the provisions of Article 7 of the Public Officers Law (Open Meetings Law) or by State or Federal law.

SECTION 16: Administration.

(a) Upon the adoption of this local law, the Town Supervisor shall cause a copy thereof to be distributed to every officer or employee of this town. Failure to distribute any such copy or failure of any town officer or employee to receive such copy shall have no effect on the duty of compliance with this code, nor the enforcement of provisions hereof. The Town Supervisor shall further cause a copy of this local law to be kept posted conspicuously in each public building under the jurisdiction of the town. Failure to post this local law shall have no effect on the duty of compliance herewith, nor the enforcement provisions hereof.

(b) The Town Board may appropriate monies from the general town funds for the maintenance of and for personnel services to the Board of Ethics established hereunder, but such Board of Ethics may not commit the expenditure of town monies except within the appropriations provided herein.

SECTION 17: 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 18: 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	Aye
Councilmember Allen Livermore	Aye
Councilmember Monroe Wasch	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.

Campground Ordinance Amendment:

This item was tabled until the September meeting.

No Smoking Legislation:

The Town Board will review the sample no-smoking legislation provided by the Town Attorney. Councilmember Livermore noted that banning smoking outright on all town property troubles him. He also noted that a complete ban is harder to enforce than the establishment of a designated area. Councilmember Wasch noted that it will be self-enforcing. Councilmember Livermore further noted that he expects to see a reduction in pavilion rentals if the park is “no-smoking.”

NEW BUSINESS:

Town Court:

Councilmember Wasch noted that he has received a number of complaints including from the public defender regarding the unbearable heat at the court. There was a general discussion regarding the air conditioning at the American Legion Building including that it does not appear to regulate the temperature as indicated on the temperature dial; it needs to be set as many as ten to fifteen degrees lower than the desired temperature. This will be discussed with the Town Constable and he will be asked to make sure the courtroom is comfortable, especially on D.A. court days when it is crowded.

ANNOUNCEMENTS:

September:

Building/Town Hall Committee ~ Wednesday, September 2nd @ 7:00 p.m. @ the American Legion Building

Town Board Meeting ~ Monday, September 14th @ 7:00 p.m. @ the American Legion Building

BUDGET AMENDMENT:**Amendment No. 6 of 2009:**

General Fund:

\$360.00 from A-3620.4 (Safety Inspection: Contractual Expense)
to A-3620.2 (Safety Inspection: Equipment) (*partial cost of map files*)

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

AUDIT OF THE BILLS:

General Fund Claim Nos. 277 through 306, in the amount of \$22,767.41; and
Highway Fund Claim Nos. 105 through 118, in the amount of \$16,348.12;
As set forth in Abstract No. 8, dated August 10, 2009; were audited.

A motion was made by Councilmember Livermore, seconded by Councilmember Wasch, and passed to pay the above noted claims from their respective accounts noting that Voucher No. 294 is to be paid in the amount of \$26.68 (\$28.81-\$2.13 tax).

OTHER:***Personnel ~ Job Descriptions:***

Councilmember Livermore noted that the next step the he will be working on with Rocky Brown is a job analysis. The New York State Library has a handbook of job analysis that will be a good resource for the process.

PRIVILEGE OF THE FLOOR:

Trina Porte asked about the Copeland and Donovan quotes for the tennis and asked if there is a difference in expected life of the work quoted. The expected life of both types of work is similar.

Rocky Brown noted that the grounds at Shatford Park looked terrible for the Fireman's Muster. Supervisor Robertson noted that with the inordinate amount of rain we have been having, mowing has been difficult. Mr. Brown also asked if the town board had given any more thought to the need for background checks on employees.

ADJOURNMENT:

A motion was made by Councilmember Wasch and seconded by Councilmember Chittenden to adjourn the meeting at 9:10 p.m.

Respectfully submitted,

Colleen Teal, RMC
Town Clerk