

**MINUTES OF THE REGULAR MONTHLY MEETING OF
THE TOWN BOARD OF THE TOWN OF NEW LEBANON
HELD ON JANUARY 10, 2011**

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

Absent: Councilmember - vacant

Recording Secretary: Colleen Teal, Town Clerk

Others Present: Jeff Winestock, Highway Superintendent
Mike Corral, NL Library President
Robert Smith, Planning Board Member
Diane Brown, Court Clerk
Trina Porte, Planning Board Member & Conservation
Advisory Council Chairperson
Matt Larabee, NL Rep. to CC Traffic Safety Council
Several 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.

SUPERVISOR'S REPORT:

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

NEW LEBANON LIBRARY, Mike Corral, President

Supervisor Robertson introduced and welcomed Mike Corral, the New Lebanon Library's new president. Mr. Corral noted that the Library has become a thriving organization with programs for young children, teenagers, and adults. Books can be downloaded from the website. At the end of the month, the minutes and budgets will be online. Mr. Corral thanked the townspeople for their support for the library.

ORGANIZATIONAL MEETING FOLLOW-UP:

Town Board Appointments:

Zoning Board of Appeals - Resignation:

A motion was made by Councilmember Baldwin, seconded by Councilmember Clark, and approved unanimously to accept Thaddeus Krolikowski's resignation from the Zoning Board of Appeals.

Zoning Board of Appeals – Appointment to fulfill term:

A motion was made by Councilmember Clark, seconded by Councilmember Baldwin, and approved unanimously to appoint John Dax to fulfill the unexpired term of Thaddeus Krolikowski (expires 12/31/2014).

Zoning Board of Appeals – Appointment of Chairman:

A motion was made by Councilmember Baldwin, seconded by Councilmember Clark, and approved unanimously to appoint John Dax as Zoning Board of Appeals Chairman for a term of one year to expire 12/31/2011. .

Town Supervisor Appointments:

Deputy Town Supervisor:

Supervisor Robertson appointed Councilmember Doug Clark as Deputy Town Supervisor.

Salaries, Hours, and Job Descriptions:

Town Justices Salaries:

Town Clerk Teal noted an error in the salaries on Resolution # 4, 2011 for the Town Justices.

A motion was made by Councilmember Clark and seconded by Councilmember Chittenden to amend the Justices Salaries on Resolution #4, 2011 to \$10,360 each as established in the 2011 Budget. The motion was passed with the following roll call vote:

Councilmember Baldwin	Aye
Councilmember Clark	Aye
Councilmember Chittenden	Aye
Councilmember – vacant	-----
Supervisor Robertson	Aye

Code Enforcement Officer/Zoning Enforcement Officer:

A motion was made by Councilmember Clark and seconded by Councilmember Baldwin to establish the hours for Coe Enforcement Officer at 12 hours per week, to establish the hours for Zoning Enforcement Officer at 12 hours per week, and further to amend the salary to \$19,000 each annually for 2011. The motion was passed with the following roll call vote:

Councilmember Baldwin	Aye
Councilmember Clark	Aye
Councilmember Chittenden	Nay
Councilmember – vacant	-----
Supervisor Robertson	Aye

Adoption of Job Description ~ Building, Zoning, and Planning Administrator/Clerk:

A motion was made by Councilmember Baldwin and seconded by Councilmember Clark to adopt the job description entitled *Building, Zoning, and Planning Administrator/Clerk* dated November 18, 2010 and further to establish the hourly breakdown of duties as follows:

Code Enforcement:	15 hours per week,
Zoning Enforcement:	10 hours per week,
Planning Board:	10 hours per week, and

Zoning Board of Appeals: 5 hours per week.

The motion was passed with the following roll call vote:

Councilmember Baldwin	Aye
Councilmember Clark	Aye
Councilmember Chittenden	Aye
Councilmember – vacant	-----
Supervisor Robertson	Aye

BIDS:

The Town Clerk provided the Town Board with proof of publication of the notice of bid requests.

Scrap Culverts:

The following sealed bid was received for the scrapping of old culvert pipes:

William Banker \$100.00

A motion was made by Councilmember Baldwin, seconded by Councilmember Chittenden, and approved unanimously to accept William Banker's bid of \$100.00 for the used culverts located at the town's gravel bank on Old Post Road.

2004 FORD F550:

The following three sealed bids were received for the sale of a 2004 FORD F550:

John McLaughlin \$1,402.00

Joseph H. Chenail \$13,059.00

JSSJR Enterprises, Inc.

Village Truck Sales \$13,690.00

A motion was made by Councilmember Baldwin, seconded by Councilmember Clark, and approved (Councilmember Chittenden voted Nay) to reject all bids for the 2004 FORD F550 and further to authorize the town clerk to re-publish the bid notice.

Sand, Stone, and Gravel:

The following three sealed bids were received for the purchase of sand, stone & gravel in 2011.

Joy Sherman

Bank Run Gravel \$5.00 per yard @ site

A. Colarusso & Son, Inc.

Crushed No. 1 A	\$11.10/ton FOB	\$18.55/ton Delivered
Crushed No. 1	\$10.85/ton FOB	\$18.30/ton Delivered
Crushed No. 1 & 1A	\$11.10/ton FOB	\$18.55/ton Delivered
Crushed Item #4, 2" minus	\$9.00/ton FOB	\$16.45/ton Delivered
Crushed Screen Fill	\$8.10/ton FOB	\$15.45/ton Delivered
Gravel, Screened 3/8" sand	\$10.00/ton FOB	\$18.50/ton Delivered
Gravel, Bank run	\$5.50/ton FOB	\$14.00/ton Delivered

Gravel, Item #3, 1" minus	\$8.00/ton FOB	\$16.50/ton Delivered
Gravel, Item #4, 2" minus	\$8.00/ton FOB	\$16.50/ton Delivered

Troy Sand & Gravel

1. Gravel			
A. Bank run	\$6.00/yard FOB	\$10.00/yard Delivered	
B. Item #3, 1" minus	\$8.50/yard FOB	\$12.50/yard Delivered	
C. Item #4, 2" minus	\$7.50/yard FOB	\$11.50/yard Delivered	
2. Sand			
A. Screened 3/8"	\$9.00/ton FOB	\$12.00/yard Delivered	
3. Stone			
A. Washed #1-A	\$11.00/ton FOB	\$14.00/ton Delivered	
B. Washed #1	\$9.00/ton FOB	\$12.00/ton Delivered	
C. Washed Mixed #1 & #1A	\$11.00/ton FOB	\$14.00/ton Delivered	

A motion was made by Councilmember Clark, seconded by Councilmember Chittenden, and approved unanimously to accept Joy Sherman's bid for bank run gravel; Troy Sand & Gravel for all other material; and Colarusso to be used in emergencies for 2011.

Fuel:

The following sealed bid was received for the purchase of fuel:

H.L. Fuel Co., Inc.

2 Heating Oil .35¢/gallon over rack price for the day, rounded up to 9/10 cent
(Cost 1/7/11 \$2.959/gallon)

Kerosene .35¢/gallon over rack price for the day, rounded up to 9/10 cent
(Cost 1/7/11 \$3.439/gallon)

Low Sulfur Diesel Fuel
.35¢/gallon over rack price for the day, rounded up to 9/10 cent
(Cost 1/7/11 \$3.049/gallon)

A motion was made by Councilmember Baldwin, seconded by Councilmember Clark, and approved unanimously to accept H.L. Fuel Co., Inc.'s bids for heating oil, kerosene, and low sulfur diesel fuel for 2011.

Calcium Chloride:

The following two sealed bids were received for the purchase of calcium chloride:

The Gorman Group

Liquid Calcium Chloride:

 Summer Use – 35% Calcium – 65% Water

 Winter Use – 32% Calcium – 68% Water

 \$.98/gallon Applied

 \$.98/gallon Delivered

Magnesium Chloride:

 \$.97/gallon Applied

\$.97/gallon Delivered

Peckham Materials Corp.

Liquid Calcium Chloride:

Summer Use – 35% Calcium – 65% Water	.988/gallon delivered & applied
Winter Use – 32% Calcium – 68% Water	.988/gallon delivered

Magnesium Chloride:

\$1.02/gallon Delivered

A motion was made by Councilmember Baldwin, seconded by Councilmember Clark, and approved (Councilmember Chittenden voted Nay) to accept both bids to used based on availability for 2011.

COMMITTEE REPORTS:

Announcements:

First Newsletter:

Town Clerk Teal reported that the first issue of the town newsletter is expected to go out this week.

Economic & Business Development:

Monthly Meetings:

Councilmember Clark reported that the Economic & Business Development Committee will be meeting the first Monday of each month and the meetings are opened to the public.

Lebanon Valley Business Association:

Councilmember Chittenden reported that the Lebanon Valley Business Association held a social at the Backwater. There were approximately forty to fifty people that attended. Additionally, it looks like the LVBA will be working with Councilmember Clark on the monthly meetings.

Highways, Buildings, & Town Property:

American Legion Hall/Town Court:

There was a general discussion regarding plowing and shoveling at the American Legion Building. The Highway Superintendent noted that he will plow and shovel but his first responsibility is the roads; *after* the roads are cleared, he will plow and shovel at the meeting hall. If the court or the town board prefers, they can bid out the plowing and shoveling at the American Legion Hall.

Zoning, Planning, CAC, Code Enforcement, & Assessor:

Conservation Advisory Council Annual Report:

A motion was made by Councilmember Clark, seconded by Councilmember Chittenden, and passed unanimously to accept the annual report submitted by the Conservation Advisory Council and further authorized the town clerk to file a copy with the State Commissioner of Environmental Conservation.

Education & Recreation:

Recreation Commission:

Supervisor Robertson noted that there are six (6) vacancies on this commission. The objective of this commission is the development and oversight of activities for town residents including activities for adults, seniors, children, etcetera. Anyone interested in serving on this commission should contact the Town Clerk's Office.

Security, Fire, Law Enforcement, Justice Court & Constable: ~ No report ~

OLD BUSINESS:

Freeman Howard Agreement for General Counsel:

The town board discussed the proposals from Freeman Howard for an Hourly Retainer Agreement and a Fixed Retainer Agreement.

A motion was made by Councilmember Chittenden, seconded by Councilmember Clark, and approved unanimously to authorize the Town Supervisor to execute the Fixed Retainer Agreement for a cost of \$15,000 annually to be paid in monthly installments of \$1,250.

Rapport Meyers Agreement for Litigation & Bond Counsel:

The town board discussed the proposals from Rapport Meyers for Litigation Counsel and Bond Counsel.

A motion was made by Councilmember Clark, seconded by Councilmember Chittenden, and approved unanimously to accept the proposal for litigation counsel at a rate of \$195.00 per hour and further to authorize the Town Supervisor to execute the acceptance of said proposal.

Lebanon Valley Protective Association Fire Contract:

Upon review of the Fire Contract, it was noted that the dollar amount was not the same as the budgeted amount. The town board tabled approval of the contract and requested that the Town Clerk to confirm the correct dollar amount with the fire company.

Lebanon Valley Protective Association MOU for American Legion Hall:

A motion was made by Councilmember Baldwin, seconded by Councilmember Clark, and approved unanimously to approve the Memorandum of Understanding (MOU) between the Lebanon Valley Protective Association and the Town of New Lebanon for the use of the American Legion Building for 2011.

NEW BUSINESS:

Town Board Seat ~ Vacancy:

The town board requested that the town clerk set up interviews for the people interested in the vacant town board seat for Monday, January 24th starting at 7:00 p.m. and making the appointments in twenty minute intervals.

Ethics Board ~ Vacancy:

The town board requested that the town clerk include the people interested in the vacant Ethics Board seat for the interviews on the 24th of January.

ANNOUNCEMENTS:

January:

Tuesday, January 18th ~ Town Board Annual Audit of the Books at 3:00 p.m. at the Town Hall

Monday, January 24th ~ Town Board Member Interviews at 6:00 p.m. at the American Legion Building

Tuesday, January 25th ~ Residential Energy Savings Workshop: NYSEERDA & Town Board at 7:00 p.m. at the American Legion Building

February:

Wednesday, February 2nd ~ Conservation Advisory Council meeting at 4:30 p.m. at Darrow Environmental Center

Tuesday, February 8th ~ Town Hall Building Committee meeting at 7:00 p.m. at the American Legion Building (meetings are scheduled for the second Tuesday of each month at 7:00 p.m. at the American Legion Building)

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

AUDIT OF THE BILLS:

2010 Bills:

General Fund Claim Nos. 562 through 599, in the amount of \$5,736.71; and Highway Fund Claim Nos. 237 through 245, in the amount of \$2,596.61; As set forth in Abstract No. 12B, dated January 10, 2011; were audited.

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

2011 Bills:

General Fund Claim Nos. 1 through 24, in the amount of \$8,154.99; Escrow, # 990 through 991, in the amount of \$6,760.80; and Highway Fund Claim Nos. 1 through 18, in the amount of \$30,626.68; As set forth in Abstract No. 1, dated January 10, 2011; were audited.

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

OTHER:

Health Insurance Benefits:

A motion was made by Councilmember Clark, seconded by Councilmember Baldwin, and passed unanimously to amend the town policy (Chapter 31, Section 13) to allow paid part-time employees to be eligible for health insurance when 100% of the premium is paid by the employee.

Town Attorney:

Supervisor Robertson introduced the new town attorney, Andrew Howard, of Freeman Howard, Attorneys at Law.

PRIVILEGE OF THE FLOOR:

Rocky Brown addressed the town board regarding the **bidding** on the 2004 Ford F550 asking if we could get a blue book value for the truck and set a minimum bid.

JJ. Johnson-Smith addressed the town board regarding the Zoning Board of Appeals position asking how a sixth member was replaced if the new law calls for a five-member board. Mr. Howard explained that the transition down to five is through attrition of expired terms only, not resignations. Ms. Johnson-Smith also addressed the town board regarding the local law that was adopted on March 10, 2008 that allowed non-residents to serve as town officials. She requested that the town board repeal this law and further requested that only people that have lived in New Lebanon for a minimum of ten years be allowed to serve the town in any official capacity and that only residents employed within a fifty-mile radius of New Lebanon be considered for paid and unpaid positions. Additionally, she noted that people feel that allowing multiple family members to serve the town in any official capacity simultaneously is a conflict of interest.

Trina Porte addressed the town board reading a letter she prepared regarding the town hall project. Ms. Porte requested that, based on the recently failed referendums for renovation of and additions to the current Town Hall, the town board pass a complete moratorium on any renovation and/or addition to the current Town Hall effective immediately and lasting through at least December 31, 2011. Ms. Porte noted that to allow a grant-funded project to proceed, a provision could be added stating that, if and only if at least 95% of the entire project's costs were paid for with grant money, then and only then may the project move forward.

Phil Brown and **Rocky Brown** addressed the town board regarding the long-term costs of maintenance and upkeep on buildings and the idea of considering leasing versus owning.

ADJOURNMENT:

A motion was made by Councilmember Clark and seconded by Councilmember Chittenden to adjourn the meeting at 9:46 p.m.

Respectfully submitted,

Colleen Teal, RMC
New Lebanon Town Clerk