

**MINUTES OF THE REGULAR MONTHLY MEETING OF
THE TOWN BOARD OF THE TOWN OF NEW LEBANON
HELD ON AUGUST 8, 2011**

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

Absent: Councilmember - vacant

Recording Secretary: Colleen Teal, Town Clerk

Others Present: Andrew Howard, Town Attorney
David Stocks, Shaker Museum & Library President
Gary Flaherty, Director of Columbia County Veterans
Service Agency
Deborah Gordon, LV Historical Society
Christine Dreyfus, LV Historical Society
Helen Burton, LV Historical Society
Nancy Clement, UFS Project
Jeff Winestock, Highway Superintendent
Kathy Murnane, NL Rep. to CC Office for the Aging
Matt Murnane, Planning Board Member
Robert Smith, Planning Board Member
John Dax, ZBA Chairman
Howard Commander, LV Speedway
Donna Smith, Building Committee Chair
Hazel Dewey, Building Committee
Thaddeus Flint, Reporter for the *Eastwick Press*
Lisa Connell, Reporter for the *Chatham Courier*
Several members of the public

CALL TO ORDER:

The meeting was called to order at 7:03 p.m. by Supervisor Robertson and the flag salute followed a moment of silence.

MINUTES APPROVAL:

The minutes of the **June 13, 2011 Regular Monthly Meeting** were reviewed; a motion was made by Councilmember Chittenden, seconded by Councilmember Clark, and passed (Councilmember Baldwin abstained) to approve the minutes as typed.

The minutes of the **June 27, 2011 Special Meeting** were reviewed; a motion was made by Councilmember Chittenden, seconded by Councilmember Clark, and passed (Councilmember Baldwin abstained) to approve the minutes as typed.

The minutes of the **July 11, 2011 Regular Monthly Meeting** were reviewed; Town Clerk Teal noted that the motion on the top of page 9 needed to be corrected to include "for an amount not to exceed \$2,500," this was part of the original motion that was accidentally omitted in the draft minutes. A motion was by Councilmember Clark,

seconded by Councilmember Baldwin, and passed (Councilmember Chittenden abstained) to approve the minutes with the above noted correction.

SUPERVISOR'S REPORT:

Supervisor Robertson read her monthly report. Councilmember Baldwin asked Supervisor Robertson to confirm that the monies at Bank of America in excess of \$250,000 are insured. Councilmember Chittenden asked for clarification of the amount noted on the Balance Sheet dated July 31, 2011 of "Due from TA" in the amount of \$13,004.31.

A motion was made by Councilmember Baldwin, seconded by Councilmember Chittenden and passed unanimously to accept the Supervisor's Report.

SHAKER MUSEUM AND LIBRARY ~ EPF GRANT APPLICATION: MOUNT LEBANON NORTH PASTURES:

David Stocks, President of the Shaker Museum and Library, addressed the town board requesting a letter of support for the NYS Environmental Protection Fund FY 2011-2012 Grant Application for the Acquisition of the 60-acre Mount Lebanon Shaker Village North Pastures. The Museum is requesting funding to acquire the 60-acre Mount Lebanon North Pastures, contiguous to the North Family site acquired by the Museum in 2004, to expand protection of significant original Shaker lands and to increase public access to historic properties within and beyond the North Family, and to create a physical and functional connection and buffer to the National Historic Landmark site.

The North Pastures parcel contains some of the most important historic landscape features at Mount Lebanon, including the "J.W. Rock," a stone marker created by the Shakers at the site of mob protests against the sect in 1783. The North Pastures contain massive Shaker-built stone walls, as well as remnants of the historic Boston-to-Albany Post Road branch to Lebanon Springs which can provide a direct entrance to the National Historic Landmark site from U.S. Route 20, and serve as the visible eastern cultural gateway to the Hudson River Valley National Heritage Area. Further, the acquisition of the North Pastures will enable the Museum to construct new facilities for collections and visitor amenities while keeping vehicular traffic and parking out of the sensitive historic village core of the North Family.

A preservation covenant that has protected much of the National Historic Landmark District is set to expire in 2014, leaving only the Shaker Museum's North Family site formally protected with a 50-year preservation covenant extending through 2054. Acquisition of the North Pastures will triple historic landscape protected by the Museum, and provide the Museum with exceptional opportunities to develop interpretive trails for public use through some of the most significant original Shaker land holdings on Mount Lebanon.

Resolution # 20, 2011 ~ Shaker Museum and Library Environmental Protection Fund (EPF) Grant Municipal Endorsement:

The following resolution was proposed by Councilmember Bruce Baldwin and seconded by Councilmember Karl B. Chittenden:

SHAKER MUSEUM & LIBRARY EPF GRANT APPLICATION MUNICIPAL ENDORSEMENT

WHEREAS, the Shaker Museum and Library is applying to the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) for a grant under the Environmental Protection Fund for a park project to be located in New Lebanon, a site located within the territorial jurisdiction of this Town Board; and

WHEREAS, as a requirement under the rules of these programs, said not-for-profit corporation must obtain the "approval/endorsement of the governing body of the municipality in which the project will be located";

NOW, THEREFORE, be it resolved by this august body that the Town Board of the Town of New Lebanon hereby does approve and endorse the application of the Shaker Museum and Library for a grant under the Environmental Protection Fund for a park project known as the Mount Lebanon Shaker Village North Pastures and located within this community.

Upon the question of the foregoing Resolution, the following Town Board Members voted "Aye" or "Nay" for said Resolution:

Roll Call Vote:

Councilmember Bruce Baldwin	Aye
Councilmember Karl B. Chittenden	Aye
Councilmember Doug Clark	Abstain
Councilmember - vacant -	-----
Supervisor Margaret Robertson	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.

VETERANS SERVICES ~ GARY FLAHERTY:

Gary Flaherty, Columbia County Director of Veteran's Services, addressed the town board outlining some of the many service available to veterans. Mr. Flaherty has developed an outreach program, a mentoring program for young veterans that run into trouble with the police due to posttraumatic stress, and home visits for assistance with form completion. There are home health services, education benefits, transportation, and the "stand down program" that provides veterans in need with clothing, food, haircuts, as well as other services. Mr. Flaherty also discussed the Freedom Flight program and participation by veterans in Columbia County. Any veterans or veteran's widows in need should contact the Veteran's Service Agency in Columbia County at 518-828-3610 or they may contact Mr. Flaherty on his cell phone at 518-610-0941.

UNION FREE SCHOOL PETITION:

Deborah Gordon and Christine Dreyfus of the Lebanon Valley Historical Society presented the town board with a petition with 162 signatures. The petition reads as

follows:

Save our History and Our Money!

For the reasons outline in the attached statement, we urge the New Lebanon Town Board to work with the New Lebanon Central School District and the Lebanon Valley Historical Society to submit an application, (due September 1, 2011; notification circa January 1, 2012) to the NYS Environmental Protection Fund for a grant to rehabilitate the Union Free School as a Town Hall.

The attached statement reads as follows:

Why The Union Free School Will Make a Great Town Hall!

1. *It more than meets the space requirements.*
 - *The Town Hall committee estimates that the Town needs 4500 square feet in total, including space for the Municipal Court. The Union Free School has three floors of approximately 2000 square feet each, totaling 6000 square feet. An elevator tower would be added to make all three floor handicapped accessible.*
2. *The high school students will continue to have a parking lot.*
 - *The student parking area will remain as is, its safety enhanced by the activity surrounding the Town Hall.*
 - *With an easement granted by the School Board, the Town can create additional parking for staff and visitors adjacent to the maintenance building.*
3. *A septic system can be installed for the town hall.*
 - *The High School's septic system was built below the slope between Rte 22 and the new softball field. The UFS/Town Hall could build a small septic system under the same slope, closer to the UFS. Like the HS septic system, it would be invisible to the public.*
4. *The UFS site is better than other sites named to date.*
 - *There is no cost for the land or the building.*
 - *The cost of rehabilitation can be offset by NYS funds. Because the UFS is listed on the National Register of Historic Places, it is eligible for Environmental Protection Fund (EPF) grants through NY State for up to 75% of the cost of the rehabilitation. In 2006, rehabilitation costs were estimated to be as much as \$1.2 million. If an EPF grant can be secured, other granting agencies are more likely to offer additional financial assistance. Later repairs also qualify for EPF funds.*

It is fiscally irresponsible NOT to go after these monies.*

 - *Sharing the costs of maintenance and supplies is an additional way to reduce the cost to tax payers.*
5. *It advances the Town's Comprehensive Plan.*
 - *'To preserve and promote New Lebanon's historic heritage as an integral part of the town's culture, character, attractiveness and economic future.' III-C-10*

**The Town of Hillsdale is applying for an EPF grant to convert their old library into a new town hall.*

There was a general discussion including the UFS building, the preservation of the building, the EPF grant application, and the town hall project.

RESOLUTION #23, 2011 ~ UNION FREE SCHOOL – EPF GRANT APPLICATION

The following resolution was proposed by Councilmember Doug Clark and seconded by Councilmember Karl B. Chittenden:

UNION FREE SCHOOL – EPF GRANT APPLICATION

WHEREAS, the Town Board of the Town of New Lebanon received a written petition with more than 150 signatures requesting that the New Lebanon Town Board work with the New Lebanon Central School District and the Lebanon Valley Historical Society to submit an application, (due September 1, 2011; notification circa January 1, 2012) to the New York State Environmental Protection Fund for a grant to rehabilitate the Union Free School as a Town Hall; and

NOW, THEREFORE, BE IT RESOLVED THAT the Town Board of the Town of New Lebanon hereby requests that New Lebanon Central School Board delay demolition of the Union Free School and that School Board work with the New Lebanon Town Board and the New Lebanon Historical Society to submit an application to the New York State Environmental Protection Fund for a grant to rehabilitate the Union Free School for use as a Town Hall, submission due date of said grant September 1, 2011.

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	Abstain
Councilmember Karl B. Chittenden	Aye
Councilmember Doug Clark	Aye
Councilmember (vacant)	----

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.

PRIVILEGE OF THE FLOOR:

Todd Houghtlin addressed the town board regarding Hannaford inquiring if the delay is financial, and if so, could the help with the cost. It would cost the town money, but it will be a benefit.

John Dax addressed the town board regarding the amendment to the campground ordinance noting that the issue is enforcement.

Kevin Smith addressed the town board regarding the need for signage on Route 20 for County Route 5.

Mike Benson addressed the town board regarding the need for someone from the town government being right smack in the middle of the Hannaford project; the town board should be taking a much more active role.

Hazel Dewey addressed the town board regarding the town hall project and the building committee noting her frustration with the board members on the committee and requesting that Councilmember Baldwin step down from the committee.

Mark Baumli addressed the town board regarding noting that he wanted to thank Jeff (Highway Superintendent) for cleaning out the Canaan Road ditch; it has made a substantial difference at his sister’s property on the corner of Canaan Road and Route

20. Mr. Baumli also asked about the possibility of obtaining a trapping permit for the beavers in that area, both the north and south sides of Route 20. Mr. Baumli then addressed the board regarding the vacant town board seat noting that not filling that seat was/is an injustice to the townspeople.

Howard Commander addressed the town board regarding his campground license application. Mr. Commander noted that the campers have been at his facility for over forty years and only recently became an issue. He had a camping permit from the county for sixteen years. He still feels it is not a campground but overnight parking. However, he is working with the town to obtain the license. He also noted that the state approached him and told him that all racetracks have to abide by campground regulations; however, they are not visiting other racetracks. Mr. Commander noted that it is an accessory use to his speedway, and additionally, it is legally grandfathered as it existed pre-zoning.

COMMITTEE REPORTS:

Announcements: ~ No report.

Economic & Business Development: ~ No report.

Highways, Buildings, & Town Property:

American Legion Building:

There was a general discussion regarding the issues at the American Legion Building including the need for the court offices to be cleaned on a regular basis and for the toilet in the ladies room to be replaced.

Cleaning Court Offices:

Tistrya Hamilton agreed to clean the court offices at a rate of \$15/hour once or twice a month noting that it should take one to two hours per cleaning.

A motion was made by Councilmember Clark, seconded by Councilmember Chittenden, and passed unanimously to approve having Tistrya Hamilton clean the court offices twice a month at a rate of \$15/hour to be paid contractually from buildings (A-1620.4).

Policy for Maintaining Work Areas for Town Staff (Resolution # 22, 2011):

A motion was made by Councilmember Baldwin, seconded by Councilmember Clark, to adopt the following *Policy for Maintaining Work Areas for Town Staff*:

WHEREAS, it is the expectation of the Town Board of the Town of New Lebanon that all town staff shall maintain all areas of use for work; dining, including areas for food preparation; or visiting to a standard of cleanliness, for the purpose of meeting public health and safety standards as set by the State of New York.

NOW, THEREFORE, BE IT RESOLVED THAT the Town Board of the Town of New Lebanon hereby establishes the policy that all staff shall maintain all areas of use for work; dining, including areas for food preparation; or visiting to a

standard of cleanliness, for the purpose of meeting public health and safety standards as set by the State of New York; and

FURTHER BE IT RESOLVED THAT this includes the Town Clerk's office, the Town Supervisor's office, the Planning and Zoning office, otherwise known as the Land Use office, the Assessor's office, the Highway Superintendent's office, and the Town Court office. Any and all space associated with the aforementioned shall be included in the expectation.

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 Karl B. Chittenden	Aye
Councilmember Doug Clark	Aye
Councilmember (vacant)	-----

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.

ALH ~ Ladies' Room Toilet Replacement:

A motion was made by Councilmember Clark, seconded by Councilmember Chittenden, and passed unanimously to authorize Hatch Mechanical to purchase and install a new toilet to replace the leaking toilet in the ladies' room at the American Legion Building.

Shatford Park:

There was a general discussion regarding the issues at Shatford Park as well as several requests from the Park Maintenance Superintendent including the purchase of projector for Movie Night and approval for a circus in 2012.

Fence Repair Quotes:

The following estimates were received from Berkshire Fence Company:

Labor and materials to install:

- Basketball court:
 - Replace approximately 10' of 4' high galvanized fence and top rail, straighten misc. top rail along fence line. **\$375**
 - Echo Field Softball:
 - Cut away damaged fence and posts. Turn existing line post into terminal post to end fence. **\$195**
 - Perimeter Split rail:
 - Install (8) rails and (1) new split rail post. Round cedar paddle ends. **\$225**
- Total **\$795**

A motion was made by Councilmember Baldwin, seconded by Councilmember Clark, and passed unanimously to authorize Berkshire Fence Company to complete the above noted work and to include repair of the tennis court fence for a total cost not to exceed \$1500.

Sign Replacement:

A motion was made by Councilmember Baldwin, seconded by Councilmember Doug Clark, and approved unanimously to authorize the relocation of the Shatford Park sign to between the prior location and the road into the park.

Movie Night – Projector & Circus for 2012:

The Park Maintenance Superintendent requested authorization to purchase a movie projector to start having movie nights at the park during the summer and authorization to have a small venue circus at the park in 2012. The board requested that the town clerk check with the insurance company on the circus and that the Park Maintenance Superintendent put together a proposal for these events.

Park Maintenance:

Councilmember Chittenden reported that there were problems with the toilets at the pavilion during the Summer Youth Program and replacement of the septic tank should be included in the 2012 budget.

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

Planning Board:

A motion was made by Councilmember Baldwin, seconded by Councilmember Clark, and passed unanimously to appoint Jeff Potter as an Alternate Planning Board Member.

Conservation Advisory Council:

A resignation letter was received from Craig Westcott. A motion was made by Councilmember Baldwin, seconded by Councilmember Clark, and passed unanimously *not* to accept the resignation until has an opportunity to discuss the decision with Mr. Westcott.

Education & Recreation:

Office for the Aging:

Kathy Murnane reported at the she has coupons for the Farmer's Market for low income people 60 years of age and older (low income is under \$2,000 per month) and the coupons are good at any Farmer's Market in New York State.

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

Annual Conference:

A motion was made by Councilmember Baldwin, seconded by Councilmember Chittenden, and approved unanimously to approve attendance at the court's annual conference for the court staff.

JCAP Grant:

Resolution # 21, 2011 ~ Justice Court Assistance Program Application

The following resolution was proposed by Councilmember Karl B. Chittenden and seconded by Councilmember Bruce Baldwin:

AUTHORIZATION FOR APPLICATION TO THE JUSTICE COURT ASSISTANCE PROGRAM

WHEREAS, the Town Board of the Town of New Lebanon approves the active pursuit of grant funding;

BE IT RESOLVED THAT, the Town Board of the Town of New Lebanon duly authorizes the New Lebanon Justice Court to file a grant application in the name of the Town of New Lebanon to the Justice Court Assistance Program for grant funding for electronic scanning and destruction of records and to apply for the maximum amount allowed for the Town Justice Court when no financial obligation is required of the town. If grant funds are awarded, acceptance of any grant funds requires town board approval.

Upon the question of the foregoing Resolution, the following Town Board Members voted "Aye" or "Nay" for said Resolution:

Roll Call Vote:

Supervisor Margaret Robertson	Aye
Councilmember Bruce Baldwin	Aye
Councilmember Doug Clark	Aye
Councilmember Karl B. Chittenden	Aye
Councilmember – vacant -	-----

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.

COMMUNICATIONS (and Petitions):

1 ~ Ethics Board

The Ethics Board provided responses and recommendations on two ethics complaints to the town board:

The first complaint (received 7/6/2011) resulted in the town board's warning to town officials and employees that using their town email address for political purposes is a violation of the Ethics Law and further noted that town email addresses are solely for town business.

There was no action on the second complaint (received 7/20/2011) as the above noted response applied to this complaint as well.

2 ~ Lebanon Valley Speedway to Regional Traffic Engineer (NYS DOT)

The board noted that the town received a copy of a letter Howard Commander submitted to Mike Cotton, Regional Traffic Engineer at NYS DOT in Poughkeepsie. In this letter, Mr. Commander states "Our town has asked for a 40

foot wide Cross Walk on Route 20 by the Speedway entry and exit gates.” It was noted by the board that the town never made such a request. A motion was made by Councilmember Baldwin, seconded by Councilmember Clark, and approved unanimously to request that the town clerk send a letter to DOT and Howard Commander noting that this statement is inaccurate and misleading and that the town has never made such a request.

LIQUOR LICENSE RENEWALS/APPLICATIONS:

1 ~ The Gallup Inn, Inc. ~ renewal

The board determined no action is necessary.

2 ~ Soldato, Inc., aka Mario’s Restaurant ~ renewal

The board determined no action is necessary.

OLD BUSINESS:

Resolution # 19, 2011 ~ Enactment of Local Law # 3 of 2011: Campgrounds:

Enactment of the following Local Law was proposed by Councilmember Doug Clark and seconded by Councilmember Karl B. Chittenden:

LOCAL LAW NO. 3, 2011 ~ Campgrounds

Section 1. Legislative History

The Town Board of the Town of New Lebanon finds it necessary to make a revision to the existing Camping Ground Ordinance set forth in Chapter 88 of the Town Code. In enacting this revision, it is the intent of the Town Board to amend Chapter 88 of the Town of New Lebanon Town Code to conform certain provisions of the Town of New Lebanon’s Camping Ground Ordinance with provisions of the New York State Sanitary Code and to clarify its procedures with regard to the review of camping ground applications. The Town Board finds that modifying Chapter 88 of the Town Code will assist the Town Code Enforcement Officer and the Columbia County Department of Health in their inspection and review of campgrounds in the Town of New Lebanon by having both agencies reviewing said campgrounds under the same set of standards.

Furthermore, in undertaking a review of Chapter 88 of the Town Code, the Town of New Lebanon herein finds that the amendment to the Camping Ground Ordinance is necessary for the health, welfare and benefit of Town residents.

Section 2. Be it enacted by the Town Board of the Town of New Lebanon that Chapter 88 of the Town of New Lebanon Code is hereby amended as follows:

Chapter 88

CAMPGROUNDS

88-1. Title.

88-9. Revocation of license.

88-2. Legislative intent.

88-10. Renewal of license.

88-3. Definitions.

88-11. Application to existing camping grounds and tourist camps.

88-4. License required.

88-5. Issuance of license; fees.

88-6. Regulations for camping grounds and tourist camps.

88-7. Permanent record.

88-8. Inspection.

GENERAL REFERENCES

Parks and recreation- See Ch. 152.

88-1. Title.

This chapter shall be known as the "Camping Ground Ordinance" of the Town of New Lebanon, Columbia County, State of New York.

88-2. Legislative intent.

It shall be the purpose of this chapter to promote the health, safety, morals, and general welfare of the inhabitants of the Town of New Lebanon by the efficient regulation of camping grounds located within the town.

88-3. Definitions.

As used in this chapter and for the purpose of this chapter, the following words, terms and phrases shall have the meaning ascribed to them in this section:

CAMPGROUND - As defined in The Town Of New Lebanon Zoning Ordinance adopted 8-9-2010.

CAMP SITE – Any location or area within a campground set off and designated as a location for use by a single family.

TEMPORARY DWELLING – Any tent, camper, trailer, tent house or any building of whatsoever material constructed, designed or equipped to be used for living, sleeping or eating by transient or seasonal occupants only.

88-4. License required.

No person, firm or corporation being the owner, lessee or occupant of any lot, piece or parcel of land within the Town of New Lebanon shall use or allow the use of such lot, piece or parcel of land as camping ground without first obtaining a license for such purpose as hereinafter provided.

88-5. Issuance of license; fees.

A. The application shall be in writing, shall be filed in triplicate and shall contain the following minimum information:

- (1.) The name and address of the applicant, if the applicant is an individual; the name and address of each partner, if the is a partnership; the name and address of each officer and director, if the applicant is a corporation.
- (2.) The name and address of the owner or owners of such lot, piece or parcel of land, if the applicant is not the owner.
- (3.) A complete description of the lot, piece or parcel of land upon which the camping ground is to be located.
- (4.) The number of sites to be provided in the camping ground.

88-12. Exceptions.

88-13. Penalties for offences.

88-14. Other statues or ordinances.

88-15. When effective.

- (5.) Two detailed sets of plans and specifications of the proposed camping ground, showing the layout of the camping ground, size of each site, the parking area, permanent buildings, water supply, location of all required services and roadways and driveways.
 - (6.) A complete statement, showing the proposed method of sewerage disposal or removal, water supply, electrical service, and location and design of toilets, washrooms, laundry and other services by this chapter.
 - (7.) Proof that the applicant has complied with the requirements for temporary residence established by the State Department of Health, contained in the State Sanitary Code and NYS Building, Fire and Property Maintenance Codes.
 - (8.) Written approval of the Health Officer of Columbia County.
 - (9.) Plans and specifications to be reviewed by the Fire and Ambulance Agencies for emergency vehicle access.
- B. Issuance or permit. The Town Clerk, upon receipt of the applications aforesaid and the payment of the requisite fee as hereinafter provided, shall immediately transmit one copy of the application to the Zoning Enforcement Officer and one copy to the Zoning Board of Appeals, who will have thirty (30) days in which to give a recommendation to the Town Board. The Town Clerk shall also immediately transmit one copy to the Planning Board for site plan review and special permit consideration. The Town Board shall by resolution indicate its approval or disapproval of the application within sixty (60) days of receipt written approval or disapproval of the site plan and special permit from the Planning Board. If the application is approved, a permit to develop a camping ground or tourist camp shall be issued by the Enforcement Officer. The applicant, on completion of construction and before occupancy, shall apply to the Enforcement Officer for an inspection of the premises. If the Enforcement Officer finds the premises in complete compliance with all existing ordinances and specifications, he shall report to the Town board in writing, and the Town Board shall then issue a license to operate as hereinafter provided, said license to become effective from the date thereof and to continue in force until the 31st day of December next succeeding. Such license shall specify the number of units permissible in the camping ground of tourist camp and such license shall not be assignable or transferable.
- C. Fees. The applicant for a camping ground license at the time of the application for the permit shall pay a fee as set from time to time by resolution of the Town Board.

88-6. Regulations for camping grounds and tourist camps.

- A. Location. No camping ground shall be located within 1,000 feet of the boundary line of any property used for public school purposes, or of any lot, piece or parcel of land maintained as a public park in the Town of New Lebanon.
- B. Drainage and grading. Any lot, piece or parcel of land used as a campsite within the camping ground shall be well drained, of ample size and free of any heavy, dense growth of bush, trees or weeds. The land shall be properly graded to ensure rapid drainage during and following rain, and shall at all times be so drained as to be free of any stagnant pools of water.
- C. Layout of camping grounds. Spacing as required by NYS Sanitary Code 7-3.8. No campsite shall be located within 50 feet of any public highway or public street line of

within 50 feet of any adjacent property line. All units shall be numbered consecutively, the number being conspicuously posted on each camp unit.

- D. Water supply. A sufficient supply of pure drinking water shall be provided for each campsite.
- E. Sanitary facilities. Camps must be kept in clean and sanitary condition and free of physical or fire hazards at all times and must in all respects conform to the provisions of Chapter 1, Part 7, of the New York State Sanitary Code entitled "Temporary Residences," which chapter and part are hereby incorporated herein by reference as though set forth herein at length, also camping grounds must be kept in compliance with NYS Property Maintenance Code.
 - (1) All service buildings and the grounds of the sites shall be kept in a clean, sanitary condition, and kept free of any and all conditions that will menace the health of any occupant or the public or constitute a nuisance.
- F. Disposal of sewage, etc. All sewage and other water-carried wastes shall be disposed of according to existing sanitary codes. Unless a municipal sewage system is available, the camping grounds must provide for the disposal of into a private system which includes a sanitary means of disposal, the operation of which creates neither a nuisance nor a menace to public health.
- G. Garbage receptacles. Each camping ground shall provide equipment sufficient to prevent littering of the grounds, in or around the grounds with rubbish, garbage and refuse, and must provide depositories with tight-fitting covers at convenient locations throughout the grounds.
- H. Electric service and connections. All such connections and service outlets shall be weatherproof and shall be of the type approved by the New York Board of Fire Underwriters.
- I. Curb cuts. The applicant should obtain curb cuts from the appropriate department: the Department of Transportation, State, County or Town Highway Department.

88-7. Permanent record.

The owner or operator of each camping ground or tourist camp shall keep a permanent record in writing of all persons occupying or using the facilities of such camping ground or tourist camp, which record shall include the following:

- A. The name and address of principle occupant of each unit.
- B. The date of arrival at and departure from the camping ground or tourist camp of each occupant of each unit.
- C. The make, year of manufacture, registration number and state of registration of the motor vehicle of each occupant.

88-8. Inspection.

The Health Officer, any peace officer or any other person authorized by the Town Board shall have the right to enter at all reasonable times any camping ground and shall have the right to inspect all parts of the site for violations of this chapter, and shall also have the right to inspect,

at all reasonable times, the records required to be kept in accordance with the provisions of this chapter.

88-9. Revocation of license.

If the Health Officer or any other person authorized by the Town Board of the Town of New Lebanon finds that any campground is not being conducted in accordance with the provisions of this chapter, such facts shall thereupon be reported to the Town Board, and said Town Board may direct the Town Clerk to serve an order in writing upon the owner or holder of the license or the person in charge of said site directing that the conditions there in specified be corrected within ten days after the date of such order. If such conditions are not corrected upon the expiration of such ten-day period, the Town Board may cause a notice in writing to be served upon the owner or holder of the license or the person in charge of such site requiring the license to appear before the Town Board at a time to be stated in such notice to show cause why the license for said site should not be revoked. The Town Board, after a hearing at which the testimony of witnesses may be taken and the holder of the license shall have been heard, may revoke said license if said Town board shall find that the site is not being maintained in a clean and sanitary condition, or if it finds any provisions of such license, the premises shall forthwith cease to be used as a camp ground, and all sites shall be vacated immediately.

88-10. Renewal of license.

An application for the renewal of any camping ground or tourist camp license issued pursuant to the provisions of this chapter must be filed with the Town Clerk on or before the 1st day of December preceding the expiration of the license then in effect. The renewal application shall be in writing, signed by the applicant, and shall contain the same information required by 88-5A in the case of an original application, except that renewal applications need not be accompanied by detailed plan of the site unless changes in the existing sites are contemplated. A lease of the premises need not accompany the renewal application, unless a new lease has been entered into since the previous application or renewal, in which case a certified or photo static copy of the new lease shall accompany the renewal application. Upon approval of the renewal application by the Health Officer and the Town Board, the Town Clerk shall issue a renewal license to become effective upon expiration of the prior license and to continue in force for a period of one year, subject to power to revoke in accordance with the provisions of 88-9 hereof. Such renewal license shall not be assignable or transferable. The applicant at time of issuance of said renewal shall pay the Town Clerk the fee provided in 88-5C hereof.

88-11. Application to existing campgrounds and tourist camps.

This chapter shall apply to all existing camping grounds and tourist camps located in the Town of New Lebanon on the effective date of this chapter. The owner or operator of any existing unlicensed camping ground or tourist camp shall have sixty days after this chapter takes effect to make application for a license to operate such camp pursuant to the provisions of 88-5 hereof.

88-12. Exceptions.

None of the provisions of this chapter shall be applicable to the business of selling trailers, campers, tents or camping equipment.

88-13. Penalties for offenses.

- A. Any person who violates any provision of this chapter shall be guilty of an offense against such ordinance, punishable by a fine of not more than \$250 or not more than 15 days' imprisonment, or both. For the purpose of conferring jurisdiction upon courts and judicial

officers generally, such offenses shall be deemed a violation and, for such purpose only, all provisions of law relating to violations shall apply.

- B. In addition, the violation of this chapter or any of its provisions by any person, firm or corporation shall subject the violation to a civil penalty enforceable and collectable by the Town in the amount of \$50 for each offense. Such penalty shall be collectable by and in the name of the town for each day that such violation shall continue.
- C. Application of the above penalty or penalties, or prosecution for violation of the provisions hereof, shall not be deemed to prevent the revocation of any license issued pursuant hereto, the enforced removal of conditions prohibited hereby and/or the issuance of an injunction and other equitable relief by a Court of competent jurisdiction to prevent ongoing violations.

88-14. Other statutes or ordinances.

Issuance of a camping ground or tourist camp license pursuant hereto shall not be deemed to waive compliance by the holder, the property owner or any occupant of said court with any statute of the State of New York, or any other ordinance, local law or regulation of the Town of New Lebanon.

Section 3. APPLICABILITY

It is the intent of the Town Board through passage of this local law to make the aforesaid provisions of Chapter 88 of the New Lebanon Town Code as herein amended and codified effective and applicable to all parties, persons and lands upon passage.

Section 4. VALIDITY AND SEVERABILITY.

If any section or part of this local law is declared invalid or unconstitutional, it shall not be held to invalidate or impair the validity, force or effect of any other section of this local law.

Section 5. EFFECTIVE DATE.

This local law shall take effect immediately upon filing in the office of the Secretary of State of New York as provided in section 27 of the Municipal Home Rule Law.

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 Doug Clark	Aye
Councilmember (Vacant)	----
Supervisor Margaret Robertson	Aye

The Local Law, having been approved by a majority vote of the Town Board, was declared duly adopted by the Supervisor of the Town of New Lebanon.

Old Post Road Landfill:

The town board reviewed two proposals from Barton & Loguidice regarding the Old Post Road Landfill closure: \$2,500 to provide the necessary services to respond to the comments to the Closure Plan by the NYSDEC and \$27,500 to prepare detailed design documents for the closure including the preparation of bidding documents and assistance with the bidding process.

A motion was made by Councilmember Clark, seconded by Councilmember Chittenden, and approved unanimously to accept the proposal submitted by Barton & Loguidice, P.C. to provide the necessary services to respond to the comments to the Closure Plan by the NYSDEC as outlined in the proposal dated August 5, 2011 (File 1229.001.001) for an amount not to exceed \$2,500.

ANNOUNCEMENTS:

September:

Monday, September 12th ~ Town Board Meeting at 7:00 p.m. at the American Legion Hall

BUDGET AMENDMENT:

Amendment No. 6 of 2011

General Fund:

\$605 from A-6772.4 (Program for Aging: Contractual Expense)
to A-1990.4 (Contingency)

A motion was made by Councilmember Baldwin, seconded by Councilmember Clark and passed unanimously to approve the above noted amendments to the 2011 Budget.

Amend Abstract no. 10 dated July 11, 2011 ~ Voucher nos. 206 through 276 correctly billed to account A-6140.4 (Home Relief Meals):

A motion was made by Councilmember Baldwin, seconded by Councilmember Clark and passed unanimously to approve the above noted amendment to Abstract no. 10 dated July 11, 011; correcting voucher numbers 206 through 276 to be paid from account A-6140.4 (Home Relief Meals).

AUDIT OF THE BILLS:

General Fund Claim Nos. 284 through 321, in the amount of \$34,039.15; and
Highway Fund Claim Nos. 123 through 141, in the amount of \$68,721.76;
As set forth in Abstract No. 11, dated August 8, 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:

Kevin Smith ~ Lien:

Kevin Smith requested that the town board release the lien on his property so that he can proceed with his business plan.

A motion was made by Councilmember Baldwin, seconded by Councilmember Clark, and passed unanimously to request that the Zoning Enforcement Officer attend the next meeting with a recommendation for the lien.

ADJOURNMENT:

A motion was made by Councilmember Chittenden and seconded by Councilmember Baldwin to adjourn the meeting at 10:17 p.m.

Respectfully submitted,

Colleen Teal, RMC
New Lebanon Town Clerk