

**MINUTES OF THE REGULAR MONTHLY MEETING OF  
THE TOWN BOARD OF THE TOWN OF NEW LEBANON  
HELD ON JANUARY 10, 2012**

**Present:** Michael Benson, Supervisor  
Bruce Baldwin, Councilmember  
Karl (K.B.) Chittenden, Councilmember  
Doug Clark, Councilmember  
Matthew Larabee, Councilmember

**Recording Secretary:** Colleen Teal, Town Clerk

**Others Present:** Andrew Howard, Attorney for the Town  
Jeff Winestock, Highway Superintendent  
Buds Godfroy, LVPA Fire Chief  
Tammie Darcy, Tax Collector  
Darla Dobert, Deputy Town Clerk  
Cissy Hernandez, Building Dept. Administrator  
Jack Nevers, Town Justice  
Cynthia Creech, Recreation Commission Member  
Scott Larabee, Recreation Commission Member  
Tony Murad, ZBA Member  
Kevin Smith, Ethics Board Member  
Robert Smith, Planning Board & Ethics Board Member  
Gail Heinsohn, Reporter for the *Chatham Courier*  
Several members of the public

**CALL TO ORDER:**

The meeting was called to order at 7:06 p.m. by Supervisor Benson and the flag salute followed a moment of silence.

**BILLS REVIEW:**

The Town Board discussed the bills submitted for approval. Councilmember Chittenden noted that clearing and reclamation on the Sherman mine is an added expense to the cost of bank run gravel. Supervisor Benson noted that these additional expenses increased the cost by about .20¢ per yard.

**MINUTES APPROVAL:**

The minutes of the **October 10, 2012 Regular Monthly Meeting** and the **October 18, 2012 Special Meeting** were reviewed; a motion was made by Councilmember Clark and seconded by Councilmember Baldwin; Councilmembers Larabee and Chittenden and Supervisor Benson abstained. The board agreed to authorize the town clerk to formalize these minutes without formal approval.

**LEBANON VALLEY PROTECTIVE ASSOCIATION ~ Fire Chief, Bud Godfroy:**

LVPA Fire Chief Bud Godfroy addressed the town board and the residents requesting that all residents post their 911 addresses in front of their homes next to the road noting that 911 addresses do not always agree with physical addresses. Fire Chief Godfroy requested that everyone makes sure they have carbon monoxide and smoke detectors; they are both silent killers. Fire Chief Godfroy also noted that if you are a

business or a homeowner with a fire detection system that calls a company or 911 directly, you should have a Knox box attached to your building so the fire department can gain access to the building without damaging the property (doors or windows).

**BIDS:**

**Calcium Chloride:**

The following bids were received for calcium chloride based on the following bid request:

NOTICE TO BIDDERS  
HIGHWAY DEPARTMENT  
TOWN OF NEW LEBANON  
COUNTY OF COLUMBIA

NOTICE IS HEREBY GIVEN that the TOWN OF NEW LEBANON HIGHWAY DEPARTMENT is seeking bids for liquid calcium to be applied to town roads. Bids **must** include the percentage (%) of calcium and the percentage (%) of water. Bids must be in PLAIN ENVELOPES and labeled only with the item being bid and must include a "Non-Collusion Bidding Certificate." Bids must be received in the office of the Town Clerk at the New Lebanon Town Hall, 14755 Route 22 North, New Lebanon, New York, no later than 5:00 p.m. on Friday, January 6, 2012. Bids will be opened at the Office of the Town Clerk at 5:00 p.m. on Friday, January 6, 2012. Bids will be considered by the Town Board at the regular monthly meeting at the American Legion Hall, 7 Mill Road, New Lebanon at 7:00 p.m. on January 10, 2012. The Town Board reserves the right to reject or accept all bids.

***Peckham Materials Corp.:***

*Liquid Calcium Chloride:*

*Winter Calcium 32% calcium 68% water \$.958/gallon delivered*  
*Summer Calcium 35% calcium 65% water \$.958/gallon delivered & applied*  
*Liquid Magnesium Chloride (Meltdown 26) \$1.02/gallon delivered*

***The Gorman Group:***

*Liquid Calcium Chloride:*

*Winter Calcium 32% calcium 68% water*  
*Summer calcium 35% calcium 65% water*  
*\$.974/gallon delivered*  
*\$.974/gallon applied*

*Magnesium Chloride:*

*\$.96/gallon delivered*  
*\$.96/gallon applied*

A motion was made by Councilmember Clark, seconded by Councilmember Larabee and passed unanimously (Supervisor Benson abstained) to accept the bid from Peckham Materials Corporation to supply calcium chloride and further to accept the bid from the Gorman Group to be used as an emergency alternate.

**Fuel:**

The following bids were received for fuel based on the following bid request:

NOTICE TO BIDDERS  
TOWN OF NEW LEBANON  
COUNTY OF COLUMBIA

NOTICE IS HEREBY GIVEN that the TOWN OF NEW LEBANON is seeking bids for the following items for use by the NEW LEBANON HIGHWAY GARAGE and the NEW LEBANON TOWN HALL for the year 2012:

**FUEL OIL** – Delivered to the Town Hall and Town Highway Garage for heating,

**LOW SULFUR OIL** – Delivered to the Town Highway Garage, and

**KEROSENE** – Delivered to the Town Highway Garage.

**BIDS ARE TO BE BASED ON CASH PRICE AT THE PORT OF ALBANY AT THE CLOSE OF BUSINESS ON THURSDAY, JANUARY 5, 2012**, and must include a “Non-Collusion Bidding Certificate.” Bids must be received in the office of the Town Clerk at the New Lebanon Town Hall, 14755 Route 22, New Lebanon, New York, no later than 5:00 p.m. on Friday, January 6, 2012. Bids will be opened at the Office of the Town Clerk on Friday, January 6, 2012 at 5:00 p.m. Bids will be considered by the Town Board at the regular monthly meeting at the American Legion Hall, 7 Mill Road, New Lebanon at 7:00 p.m. on Tuesday, January 10, 2012. The Town Board reserves the right to reject or accept all bids.

***HL Fuel Co. Inc.:***

***#2 Heating Fuel:***

*Bid for #2 heating fuel is based on the cost at the Hess Oil terminal in Albany. Cost for #2 heating oil on January 5, 2012 at the close of the day \$3.164 cents per gallon; #2 heating oil supplied to the Town will be at 35 center per gallon over rack price for the day, rounded up to 9/10 cent, making the cost on January 5, 2012, \$3.519 per gallon.*

***Kerosene:***

*Bid for Kerosene is based on the cost at the Sprague terminal in Albany. Cost for kerosene on January 5, 2012 at the close of the day \$3.634 cents per gallon; kerosene supplied to the Town will be at 35 center per gallon over rack price for the day, rounded up to 9/10 cent, making the cost on January 5, 2012, \$3.989 per gallon. Noted that the kerosene price quoted is certified K-1 quality. Any kerosene additions to diesel fuel will also be priced this way.*

***Low Sulfur Diesel Fuel:***

*Bid for low sulfur diesel fuel (for on road use) is based on the cost at the Sprague rack price of the day. Cost for kerosene on January 5, 2012 at the close of the day \$3.2717 cents per gallon; kerosene supplied to the Town will be at 35 center per gallon over rack price for the day, rounded up to 9/10 cent, making the cost on January 5, 2012, \$3.6299 per gallon.*

***Valley Oil:***

***#2 Heating Fuel:***

*\$.29 per gallon over cash price at the Port of Albany.*

***Kerosene:***

*\$.40 over cash price at the port of Albany.*

***Low Sulfur Diesel Fuel:***

*\$.21 over premium diesel cash price at the port of Albany.*

A general discussion was held regarding the inability to compare the bids received. A motion was made by Councilmember Baldwin, seconded by Councilmember Larabee and passed unanimously to reject both bids, have the town attorney rework the bid request for fuel, and to go out to bid for fuel again with bids to be received by 5:00 p.m. on Monday February 6<sup>th</sup>.

**Sand, Stone & Gravel:**

The following bids were received for sand, stone, and gravel based on the following bid request:

NOTICE TO BIDDERS  
HIGHWAY DEPARTMENT  
TOWN OF NEW LEBANON  
COUNTY OF COLUMBIA

NOTICE IS HEREBY GIVEN that the TOWN OF NEW LEBANON is seeking bids for supplying the following items for use by the NEW LEBANON HIGHWAY DEPARTMENT:

1. Gravel
  - A- Bank run gravel
  - B- Item #3, 1" minus
  - C- Item #4, 2" minus
2. Sand
  - A- Screened 3/8" sand
3. Stone
  - A- Washed #1-A
  - B- Washed #1
  - C- Washed Mixed #1 & 1-A
  - D- Gabion Stone

BIDS ARE TO BE WRITTEN TWO WAYS:

- A – Delivered to the Town Highway Garage in New Lebanon  
B – Picked up by the highway department (MUST INCLUDE IF LOADER IS AVAILABLE)

Bids must be received in the office of the Town Clerk at the New Lebanon Town Hall, 14755 Route 22 North, New Lebanon, New York, no later than 5:00 p.m. on Friday, January 6, 2012. Bids will be opened at the Office of the Town Clerk at 5:00 p.m. on Friday, January 6, 2012. Bids will be considered by the Town Board at the regular monthly meeting at the American Legion Hall, 7 Mill Road, New Lebanon at 7:00 p.m. on Tuesday, January 10, 2012. The Highway Superintendent reserves the right to inspect and/or reject any materials. The Town Board reserves the right to reject any and all bids, or to accept more than one bid as determined by location and needs of the town. All bidders should present the town clerk with a valid mining permit and/or an agreement with the town and must include a "Non-Collusion Bidding Certificate."

***Sherman, Joy:***

*Bank Run Gravel                      \$5.00 per yard at site.*

**A. Colarusso & Son, Inc.:**

*Gravel:*

*Bank Run    \$5.00/ton FOB    \$12.35/ton delivered    121 CR 31, Hudson (plant)*  
*Item #3 (1" minus)    \$8.00/ton FOB    \$15.35/ton delivered    121 CR 31, Hudson (plant)*  
*Item #4 (2" minus)    \$8.00/ton FOB    \$15.35 delivered    121 CR 31, Hudson (plant)*

*Sand:*

*Screened 3/8"    \$9.00/ton FOB    \$16.35/ton delivered    121 CR 31, Hudson (plant)*

*Stone:*

*Washed #1-A \$11.00/ton FOB \$18.00/ton delivered 91 Newman Rd, Hudson (plant)*  
*Washed #1 \$10.85/ton FOB \$17.85/ton delivered 91 Newman Rd, Hudson (plant)*  
*Washed Mixed (#1 & #1-A) \$11.00/ton FOB \$18.00/ton delivered 91 Newman Rd,  
Hudson (plant)*

*Gabion \$10.85/ton FOB \$17.85/ton delivered 91 Newman Rd, Hudson (plant)*

*Crushed Item #4 (2" minus) \$9.25/ton FOB \$16.25/ton delivered 91 Newman Rd,  
Hudson (plant)*

A motion was made by Councilmember Baldwin, seconded by Councilmember Larabee and passed unanimously (Supervisor Benson abstained) to accept the bid from Joy Sherman for bank run gravel and to accept the bids for all other products from A. Colarusso & Son, Inc.

#### **PRIVILEGE OF THE FLOOR:**

**David Mieschonz** addressed the Town Board regarding the level of conversation at the board table noting that much is not audible to the public. Mr. Mieschonz asked if a microphone would be possible. **Larry Benson** addressed the town board seconding Mr. Mieschonz's request for a microphone so the public can hear what the board is saying.

**Cissy Hernandez** addressed the Town Board asking if only the Town Board meetings are being relocated to the New Lebanon Fire House or does it include the Planning and Zoning meetings as well. Supervisor Benson responded that it is only the Town Board meetings, the other meetings will continue to be held at the American Legion Building.

**Bud Godfroy** addressed the Town Board noting that there is a microphone at the New Lebanon Fire House and inquiring why the town would use poundage to measure sand and gravel when weather could affect the poundage. The board noted that tonnage is the standard for sand and gravel with large companies.

**Kevin Smith**, Ethics Board Member, addressed the Town Board noting that a complaint has been received by the Ethics Board therefore the situation has changed and it is necessary for the Town Board to make an appointment to the Ethics Board. Supervisor Benson restated that there is a process that the board is following; they are accepting letters and will conduct interviews before making appointments.

#### **COMMITTEE REPORTS:**

##### ***Economic & Business Development:***

Councilmember Clark reported that the **Economic Development Committee** will hold a forum to discuss "Main Street" (20/22 Corridor) on **Wednesday, February 1<sup>st</sup> at 6:30 p.m. at the New Lebanon Library**. Jay Lord will be attending to give his perspective of the a business that attempted to set up along the 20/22 corridor and the hurdles and opportunities that any business will face. Additionally, the "contest" for the "re-envisioning" of Main Street will be a topic for the forum. Councilmember Clark reported that they are still working on the sidewalk project and the consideration of narrowing the corridor, the request for the speed limit reduction, alternatives for

allowing cars to stop along the corridor, and allowing businesses to open along the corridor. Councilmember Clark further reported that they submitted a grant application for a “shovel ready” project for New Lebanon. The application was for a project almost like an industrial park and addressed the need for a traffic study, environmental reviews, and etcetera. The grant was not approved; however, they will redo the application, paring down the project, and resubmit it. The 20/22 Corridor is the focus of the Business and Economic Development Committee.

### ***Highways, Buildings, & Town Property:***

#### **Town Park:**

Councilmember Chittenden reported that he had a discussion with the Code Enforcement Officer regarding **lighting at the pavilion**. There are incandescent lights that are not shielded at all. Councilmember Chittenden noted that he receive a quote today for approximately \$1580 for fourteen new fixtures with new compact fluorescent lights all encaged. This quote will be addressed at the February meeting.

Councilmember Chittenden noted that he spoke with Gaston regarding the **park bridge**. Gaston ordered and installed the bridge; his cost was \$2,490. Councilmember Chittenden noted that he checked on-line and similar bridges are about \$2,800 and he feels that we got a good price for the bridge. Gaston is willing to take it back if he has to however, Councilmember Chittenden noted that it does add to the park and it provides access for the children. He recommended keeping the bridge.

A motion was made by Councilmember Chittenden to keep the bridge and to pay for from the park account or the park capital reserve account. There was no second for the motion.

Supervisor Benson noted that the purchasing/procurement policies and procedures need to be reviewed.

#### **Town Court – Gun Safe:**

Jack Nevers, Town Justice, reported that the Justice Court has a gun safe that it no longer uses and they would like to put it out to bid to sell it as surplus.

A motion was made by Councilmember Baldwin, seconded by Councilmember Larabee, and approved unanimously to go out to bid to sell the gun safe. Judge Nevers will provide the Town Clerk with specs to include in the bid request.

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

#### **Zoning Enforcement/Code Enforcement:**

Councilmember Clark reported that Kent Pratt, ZEO/CEO, will be submitting his list of priorities for the February meeting.

#### **Conservation Advisory Council (CAC):**

Supervisor Benson noted that the Town Board is looking for five people interested in serving on the Conservation Advisory Council.

***Education & Recreation:***

**Recreation:**

Councilmember Larabee reported that there was vandalism at the new skating rink that is being built at the Pavilion; he noted that the NYS Police and the County Sheriff's will be patrolling the park. Councilmember Larabee further reported that the rink is built; they hope to put the plastic in this weekend and then fill it slowly. Councilmember Larabee reminded the public that there will be an informal meeting of the Recreation Commission on Tuesday, January 24<sup>th</sup> at the New Lebanon Library at 6:30 p.m. to gather input from the community as to the types of activities they would like to see the Recreation Commission pursue.

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

**CC Traffic Safety Council:**

Resident Christine Dreyfus inquired about the speed limit on County Route 34 since it is not posted.

***Town Hall Project:***

Supervisor Benson noted that we need a new town hall.

**COMMUNICATIONS (and Petitions):**

**# 1 ~ James VanDeusen, Columbia County Fire Coordinator**

**Re: response to fully involved house fire.**

The Town Clerk read the following letter:

*Dear Supervisor and Board Members:*

*Your firefighters were recently called to a fully involved house fire with a trapper person. Working under a stressful situation and in adverse weather conditions; they were able to extinguish this fire. They all worked with mutual aid companies for many hours very safely and professionally. Thank these volunteers for the many hours put in to protect your community.*

*Firematically yours,*

*James VanDeusen*

*Columbia County Fire Coordinator*

**LIQUOR LICENSE APPLICATIONS AND RENEWALS:**

***1- Lebanon Valley Speedway***

***a. Renewal of Summer Liquor License for LB Concessionaires***

***b. Renewal of Ball Park Beer License for LBV Concessionaires***

The Town Board noted no action necessary.

**OLD BUSINESS:**

***Fire Protection Agreement and MOU for American Legion Building:***

A motion was made by Councilmember Chittenden, seconded by Councilmember Baldwin, and passed unanimously to approve the execution of the Fire Protection

Agreement and the Memorandum of Understanding with the Lebanon Valley Protective Association.

**NEW BUSINESS:**

**Annual Audit Meeting:**

The town board set the Annual Audit Meeting for Thursday, January 19, 2012 at 6:00 p.m. to begin at the Town Hall at which time they will audit the books of the Chief Fiscal Officer, the Building Department, the Tax Collector, the Town Clerk, and the Justice Court as well as audit the petty cash of the Highway Department.

**Sleigh Riding Lease Agreement:**

A motion was made by Councilmember Clark, seconded by Councilmember Baldwin, and approved (Councilmember Chittenden abstained, Councilmember Larabee absent for the vote) to authorize Supervisor Benson to execute the lease agreement between the Town of New Lebanon and K.B. Chittenden for the use of that parcel of land located along County Route 5A (West Street) (tax map number 19.-1-23.200) for use as a sleigh riding hill for the members of the local community.

**ANNOUNCEMENTS:**

**January:**

*Thursday, January 19<sup>th</sup> ~ Annual Audit of Town Books at 6:00 p.m. at the Town Hall  
Tuesday, January 24<sup>th</sup> ~ Recreation Commission meeting for the public at 6:30 p.m.  
at the New Lebanon Library.*

**February:**

*Wednesday, February 1<sup>st</sup> ~ Economic & Business Development Committee meeting at  
6:30 p.m. at the New Lebanon Library  
Tuesday, February 14<sup>th</sup> ~ Town Board Regular Monthly Meeting at 7:00 p.m. at the  
New Lebanon Fire House*

**BUDGET AMENDMENT:**

**Amendment No. 10 of 2011**

**Highway Fund:**

\$85,245 to DA-5730 (BAN Revenue)

\$85,245 to DA-5130.2 (Machinery: Equipment)

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

**AUDIT OF THE BILLS:**

**2011:**

Highway Fund Claim No. 198, in the amount of \$85,245.00;

As set forth in Abstract No. 19, dated January 10, 2012; was audited.

A motion was made by Councilmember Chittenden, seconded by Councilmember Larabee, and approved unanimously to pay the above noted claim from its respective account.

**2012:**

General Fund Claim Nos. 1 through 34, in the amount of \$31,578.02; and  
Highway Fund Claim Nos. 1 through 17, in the amount of \$15,002.15;  
As set forth in Abstract No. 1, dated January 10, 2012; and

General Fund Claim No. 35, in the amount of \$10,686.00;  
As set forth in Abstract No. 2, dated January 10, 2012 were audited.

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

**PRIVILEGE OF THE FLOOR:**

**Bud Godfroy, LVPA Fire Chief**, addressed the Town Board noting that when meetings are held at the New Lebanon Fire House ALL parking must be at the back of the building.

There were several comments regarding the bridge at the park and the procurement policy. Supervisor Benson noted that it was clearly a misunderstanding and the board is working on policies to tighten up purchasing approvals so this type of misunderstanding will not reoccur.

**JJ. Johnson-Smith** addressed the Town Board regarding the regular meeting time noting that she understood that the review of the bills was to be at 7:00 and the regular meeting would begin at 7:30. Supervisor Benson clarified that the meetings will begin at 7:00 and the review of the bills will be at the beginning of the meeting. Ms. Johnson-Smith read a letter to the Town Board from P.A.C.T. expressing concern over the lack of a functioning Ethics Board and requesting that the Town Board appoint Wayne Martin to the Ethics Board immediately and accept other letters of interest to fill the remaining vacancy.

**Margaret Robertson** addressed the Town Board thanking them for implementing the interviewing process for appointment however she noted that the decision to put off the appointment of another Ethics Board member is to deny due process to those submitting complaints. Ms. Robertson also noted that unfortunately her term as Supervisor began and ended with cursing and anger and she requested a letter of apology from Councilmember Baldwin to her mother, sister and brother. Councilmember Baldwin responded that Ms. Robertson's request was more than understandable and apologized publicly for his outburst at the Year End Town Board meeting and stated that he will provide a written apology.

**Robert Smith, Ethics Board and Planning Board Member**, addressed the Town Board requesting that the expiration of the terms of offices be changed to another time of year rather than December 31<sup>st</sup>. The Town Attorney noted that the expiration dates for the terms are set by state law.

**Supervisor Benson** noted the following vacancies that the Town Board is seeking letters of interest in order to fill:

- Columbia County Environmental Management Council (New Lebanon Representative);
- Recreation Commission;
- Conservation Advisory Council (CAC); and
- Ethics Board.

**Margaret Robertson** noted that the representative to the Columbia County Youth Bureau is also vacant. This is where monies are appropriated for various youth programs and having a representative on the Bureau is important.

**ADJOURNMENT:**

A motion was made by Councilmember Clark and seconded by Councilmember Chittenden to adjourn the meeting at 9:04 p.m.

Respectfully submitted,

Colleen Teal, RMC  
New Lebanon Town Clerk