

**MINUTES OF THE SPECIAL MEETING OF
THE TOWN BOARD OF THE TOWN OF NEW LEBANON
HELD ON JUNE 9, 2010**

Present: Margaret Robertson, Supervisor
Bruce Baldwin, Councilmember
Doug Clark, Councilmember

Absent: Allen Livermore, Councilmember
Karl (K.B.) Chittenden, Councilmember

Recording Secretary: Colleen Teal, Town Clerk

Others Present: None

CALL TO ORDER:

The meeting was called to order at 5:00 p.m. by Supervisor Robertson.

TOWN HALL PROJECT ~ SEQRA REVIEW:

The town board determined that the renovation of and additions to the existing town hall is an unlisted action without any other agency involvement and therefore does not require a coordinated review. The board reviewed and completed the full EAF. A motion was made by Councilmember Clark, seconded by Councilmember Baldwin, and approved unanimously (Councilmembers Livermore and Chittenden absent) that the project (renovation of and additions to the existing town hall) will not result in any large and important impacts and, therefore, is one which will not have a significant impact on the environment. A motion was made by Councilmember Clark, seconded by Councilmember Baldwin and approved unanimously (Councilmembers Chittenden and Livermore absent) to adopt a negative declaration which will be filed in the office of the Town Clerk.

TOWN HALL PROJECT ~ MANDATORY REFERENDUM:

Councilmember Clerk reported to the town board that if we want to apply for the USDA grant, we need to accelerate the project. There was a discussion regarding a referendum, the amount of money to be sought in the referendum, and timing of the special election.

RESOLUTION #16, 2010 ~ BOND RESOLUTION ~ TOWN HALL ADDITION

The following resolution was proposed by Councilmember Bruce Baldwin, and seconded by Councilmember Doug Clark, to wit;

BOND RESOLUTION DATED JUNE 9, 2010

A RESOLUTION AUTHORIZING THE RENOVATIONS AND ADDITIONS TO THE EXISTING TOWN HALL OF APPROXIMATELY 2,567 SQUARE FEET LOCATED AT 14755 NEW YORK STATE ROUTE 22 IN THE TOWN OF NEW LEBANON, COLUMBIA COUNTY, NEW YORK, AT AN ESTIMATED MAXIMUM PROJECT COST OF \$815,000; AUTHORIZING THE ISSUANCE OF SERIAL BONDS OF THE TOWN OF NEW LEBANON, COLUMBIA COUNTY, NEW YORK IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$815,000 PURSUANT TO THE LOCAL FINANCE LAW; AND DELEGATING CERTAIN POWERS IN CONNECTION THEREWITH TO THE TOWN SUPERVISOR

BE IT RESOLVED, by the Town Board of the Town of New Lebanon, Columbia County, New York (the "Town") (by the favorable vote of not less than three fifths of all of the members of the Town Board) as follows:

SECTION 1. The specific purpose (hereinafter referred to as "purpose") to be financed pursuant to this resolution is the renovation and additions to the existing Town Hall to provide meeting room, court room and additional storage and office space of approximately 2,567 square feet located at 14755 New York State Route 22 in the Town of New Lebanon, including related site work, and original furnishings and equipment required for such purpose. The estimated maximum cost of said purpose is \$815,000 and said amount is hereby appropriated therefor. It is hereby determined that said purpose is an object or purpose described in subdivision 12(a)(3) of paragraph a of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is ten years.

SECTION 2. It is hereby determined that the aforesaid purpose constitutes an unlisted action as defined under the State Environmental Quality Review Regulations, 6 NYCRR Part 617, which is determined under SEQRA not to have a significant impact on the environment.

SECTION 3. The proposed maturity of the serial bonds authorized hereby is in excess of five years.

SECTION 4. The Town Board plans to finance the total cost of said purpose by the issuance of serial bonds of the Town in an amount not to exceed \$815,000, hereby authorized to be issued therefor pursuant to the Local Finance Law. The Town has applied to USDA Rural Development for a grant in the amount of \$75,000, and if received the proceeds of such grant would be applied to redeem bonds.

SECTION 5. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of said bonds.

SECTION 6. The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. This resolution shall constitute a statement of official intent for purposes of Section 1.150-2 of the Treasury Regulations.

SECTION 7. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds, shall contain the recital of validity prescribed by Section 52.00 of the Local Finance Law. The faith and credit of the Town are hereby irrevocably pledged for the payment of the principal of and interest on said bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on said bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of the Town a tax sufficient to pay the principal of and interest on said bonds as the same become due and payable.

SECTION 8. Subject to the terms and contents of this resolution and the Local Finance Law, and pursuant to the provisions of Sections 30.00, 50.00 and 56.00 to 63.00, inclusive, of said Law, the power to authorize bond anticipation notes in anticipation of the issuance of the serial bonds authorized by this resolution and the renewals of said notes and the power to prescribe the terms, form and contents of said serial bonds and said bond anticipation notes (including without limitation the date, denominations, maturities, interest payment dates, consolidation with other issues, and redemption rights), the power to determine to issue said bonds providing for substantially level or declining debt service, and the power to sell and deliver said serial bonds (including statutory installment bonds), and any bond anticipation notes issued in anticipation of the issuance of such bonds, is hereby delegated to the Town Supervisor, the Chief Fiscal Officer of the Town. The Town Supervisor is hereby authorized to sign any serial bonds issued pursuant to this resolution and any bond anticipation notes issued in anticipation of the issuance of said serial bonds, and the Town Clerk is hereby authorized to affix the corporate seal of the Town to any of said serial bonds or any bond anticipation notes and to attest such seal.

SECTION 9. The Town Supervisor is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution and any notes issued in anticipation thereof as "qualified tax-exempt bonds" for purposes of Section 265(b)(3)(B)(i) of the Code.

SECTION 10. The Supervisor is further authorized, in his discretion, to execute a loan agreement and any other agreements with the U.S. Department of Agriculture Rural Development, and amendments thereto, and to take such actions and execute such documents as may be necessary to provide for the financing or refinancing of the specific object or purpose set forth herein, or a portion thereof, by a serial bond and/or bond anticipation note issue of the Town and the sale of such issue or issues to the U.S. Department of Agriculture Rural Development, or its designee.

SECTION 11. The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if:

(1) Such obligations are authorized for an object or purpose for which the Town is not authorized to expend money; or

(2) The provisions of law which should be complied with at the date of the publication of this resolution are not substantially complied with; and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication; or

(3) Such obligations are authorized in violation of the provisions of the Constitution of New York.

SECTION 12. When this resolution shall have become effective, the Town Clerk shall cause this resolution, or a summary of the same, together with a notice in substantially the form provided by Section 81.00 of the Local Finance Law, to be published in the Register Star, a newspaper having a general circulation in the Town and hereby designated as the official newspaper of the Town for such publication.

SECTION 13. This resolution shall, before becoming effective, be approved at a special election of the qualified voters of the Town to be held at a general or special election called for that purpose.

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	Absent
Councilmember Doug Clark	Aye
Councilmember Allen Livermore	Absent

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.

RESOLUTION #17, 2010 ~ SPECIAL ELECTION: BOND RESOLUTION ~ TOWN HALL ADDITION

The following resolution was proposed by Councilmember Doug Clark, and seconded by Councilmember Bruce Baldwin, to wit;

RESOLUTION DATED JUNE 9, 2010

A RESOLUTION CALLING A SPECIAL ELECTION FOR THE PURPOSE OF CONSIDERING A PROPOSITION FOR THE APPROVAL OF A BOND RESOLUTION DATED JUNE 9, 2010 AUTHORIZING ISSUANCE OF BONDS IN A MAXIMUM PRINCIPAL AMOUNT OF \$815,000 TO FINANCE THE RENOVATION AND ADDITION TO EXISTING TOWN HALL ADDITION OF APPROXIMATELY 2,567 SQUARE FEET ON A PARCEL LOCATED AT 14755 NEW YORK STATE ROUTE 22 IN THE TOWN OF NEW LEBANON, COLUMBIA COUNTY, NEW YORK

WHEREAS, the Town Board of the Town of New Lebanon, Columbia County, New York (the "Town Board") has adopted a bond resolution dated June 9, 2010, authorizing the issuance of bonds in an aggregate principal amount not to exceed \$815,000, for the renovation and additions to existing Town Hall to

provide meeting room, court room and additional storage and office space of approximately 2,567 square feet located at 14755 New York State Route 22 in the Town of New Lebanon, adjacent to the existing Town Hall, including related site work, and original furnishings and equipment required for such purpose, which resolution is subject to approval by the qualified voters of the Town; and

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of New Lebanon as follows:

SECTION 1. The Town hereby authorizes and directs that a special election of the qualified voters of the Town shall be held at the polling place at the Immaculate Conception Meeting Hall, located at 732 U.S. Route 20, New Lebanon, New York, which polling place shall be the sole polling place for the entire Town of New Lebanon for such special election on June 29, 2010, between the hours of 12:00 p.m. and 9:00 p.m., or so much longer as may be necessary to enable voters then present to cast their votes. The Town Clerk is hereby ordered and directed to prepare ballots which shall be in substantially the following form:

Shall the resolution entitled “ BOND RESOLUTION DATED JUNE 9, 2010

A RESOLUTION AUTHORIZING THE RENOVATIONS AND ADDITIONS TO THE EXISTING TOWN HALL OF APPROXIMATELY 2,567 SQUARE FEET LOCATED AT 14755 NEW YORK STATE ROUTE 22 IN THE TOWN OF NEW LEBANON, COLUMBIA COUNTY, NEW YORK, AT AN ESTIMATED MAXIMUM PROJECT COST OF \$815,000; AUTHORIZING THE ISSUANCE OF SERIAL BONDS OF THE TOWN OF NEW LEBANON, COLUMBIA COUNTY, NEW YORK IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$815,000 PURSUANT TO THE LOCAL FINANCE LAW; AND DELEGATING CERTAIN POWERS IN CONNECTION THEREWITH TO THE TOWN SUPERVISOR” be approved?

Yes _____

No _____

Those who are qualified to vote on the aforementioned proposition are registered voters of the Town of New Lebanon who shall have resided in said Town for the period of thirty (30) days next preceding such election.

SECTION 2. The Town Clerk shall cause notice of special election in substantially the form attached as Exhibit “A” be published in the Register Star, hereby designated as the official newspaper of the Town for such publication, and to post on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law, notice that the Town Board will submit the proposition for the approval or disapproval of the resolution as hereinabove referred to, said publication and posting to be at least ten (10) days before such Special Town Election.

SECTION 3. The resident electors of the Town (none of whom are elected officers of the Town Board) set forth at Exhibit B and previously designated for the general election purposes are hereby appointed to constitute the Town Board of Elections for the Special Town election.

The Election Inspectors shall be compensated in the amount set forth at Exhibit “B”. In case any of the members appointed herein are unable or refuse to assume or perform the duties required of them, this Town Board will appoint alternates who are resident electors. If clerical help is deemed necessary, this Town Board will consider the appointment of such clerical persons upon request of the Chairman of the Town Board of Elections.

SECTION 4. The Town Clerk is authorized and directed to arrange for delivery and availability of voting machines to the extent necessary, to arrange for availability of machine custodians, and to take all other actions necessary to the conduct of the election as required by law.

SECTION 5. This resolution shall take effect immediately.

EXHIBIT “A”

NOTICE OF SPECIAL ELECTION
TOWN OF NEW LEBANON, COLUMBIA COUNTY, NEW YORK

NOTICE IS HEREBY GIVEN, that a Special Election will be held on June 29, 2010, for the Town of New Lebanon, Columbia County, New York, which will be held at the Immaculate Conception Meeting Hall, located at 732 U.S. Route 20, New Lebanon, New York, which polling place shall be the sole polling place for the entire Town of New Lebanon for such Special Election at which the polls will be kept open between the hours of 12:00 p.m. and 9:00 p.m., prevailing time for the purpose of voting on the adoption or rejection of a proposition with respect to Bond Resolution dated June 9, 2010. The polls will be kept open for the purpose of voting during the aforesaid hours and the proposition voted upon will be in substantially the following form, to wit:

Shall the resolution entitled "BOND RESOLUTION DATED JUNE 9, 2010

A RESOLUTION AUTHORIZING THE RENOVATIONS AND ADDITIONS TO THE EXISTING TOWN HALL OF APPROXIMATELY 2,567 SQUARE FEET LOCATED AT 14755 NEW YORK STATE ROUTE 22 IN THE TOWN OF NEW LEBANON, COLUMBIA COUNTY, NEW YORK, AT AN ESTIMATED MAXIMUM PROJECT COST OF \$815,000; AUTHORIZING THE ISSUANCE OF SERIAL BONDS OF THE TOWN OF NEW LEBANON, COLUMBIA COUNTY, NEW YORK IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$815,000 PURSUANT TO THE LOCAL FINANCE LAW; AND DELEGATING CERTAIN POWERS IN CONNECTION THEREWITH TO THE TOWN SUPERVISOR" be approved?

YES __
NO __

NOTICE IS HEREBY FURTHER GIVEN, that persons qualified to vote at the Special Election shall be registered voters of the Town of New Lebanon, Columbia County, New York who shall have resided in the Town of New Lebanon for the period of thirty (30) days next preceding such election.

BY ORDER OF THE TOWN BOARD

EXHIBIT "B"
SPECIAL ELECTION, JUNE 29, 2010
12 NOON to 9:00 PM
TOWN OF NEW LEBANON
COLUMBIA COUNTY, NEW YORK

Election Inspectors:	Rate:
Ruthmary S. Lasher – Republican 14736 State Route 22, New Lebanon, NY 12125	\$10.00 per hour
Joan K. Darcy – Democrat 14621 State Route 22, New Lebanon, NY 12125	\$10.00 per hour
Jean M. Stelling – Republican 95 Schoolhouse Road, East Chatham, NY 12060	\$10.00 per hour
Trina Porte – Democrat Canaan, NY 12029	\$10.00 per hour

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	Absent
Councilmember Doug Clark	Aye
Councilmember Allen Livermore	Absent

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.

TOWN HALL PROJECT ~ SPECIAL MEETING FOR PUBLIC INFORMATION:

The town board set a special meeting for the purpose of providing the public with information about the town hall project, the USDA Rural Development grant application, and the referendum to be held on Monday, June 28, 2010 at 7:00 p.m. at the American Legion Building.

ADJOURNMENT:

A motion was made by Councilmember Clark and seconded by Councilmember Baldwin to adjourn the meeting at 5:40 p.m.

Respectfully submitted,

Colleen Teal, RMC
Town Clerk