

**MINUTES OF THE REGULAR MONTHLY MEETING OF
THE TOWN BOARD OF THE TOWN OF NEW LEBANON
HELD ON JUNE 14, 2010**

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

Recording Secretary: Colleen Teal, Town Clerk

Others Present: Sonya Van Bortel, Town Attorney
Jeff Winestock, Highway Superintendent
Doug Banker, Town Hall Building Committee
Joseph Rabito, Office of Community Renewal
Ashley Lavigne, Office of Community Renewal
Barbara Ruhe
JJ. Johnson-Smith
Robert Mittnacht
Robert Smith
Trina Porte
Danelle Hents, Berkshire Farm Center
Several other members of the public

CALL TO ORDER:

The meeting was called to order at 7:05 p.m. by Supervisor Robertson and the flag salute followed a moment of silence.

MINUTES APPROVAL:

The minutes of the **April 22, 2010 Public Hearing on Proposed Local Law to Amend the Zoning Regulations** were reviewed; a motion was made by Councilmember Livermore, seconded by Councilmember Baldwin and passed unanimously to approve the minutes as typed.

SUPERVISOR'S REPORT:

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

TOWN HALL COMMITTEE:

Town Hall Referendum:

Councilmember Baldwin introduced the Town Hall Committee meeting and the referendum issue. In order to apply for the USDA Rural Development grant, the referendum must be done before July 1st and for grant purposes the referendum has to be for the amount of the entire project not just the amount expected to be financed.

The following letter was read by Doug Banker, Town Hall Committee Member:

June 14, 2010

To: The New Lebanon Town Board

From: The Town Hall Building Committee

Subject: Resolutions Passed by the Board on June 9, 2010

Members of the Town Board:

The committee met on Thursday, June 10, to discuss the Resolutions passed by the Board at its June 9th Special Meeting. Committee members present were: Chairman Bruce Baldwin, Doug Banker, Kent Pratt, Paul St. Germain, Maura Stouter, and Bob Winsor. Members David Farren, Tony Murad and Monte Wasch were unable to attend, and those Board members who have supported the committee were also absent.

Mr. Baldwin reviewed the reasons for the emergency action taken by the Board, in order to meet the deadline for the \$75,000 USDA Rural Development grant. We looked over the Form E (RD Project Budget/Cost Certification), and Bruce explained how that budget was the basis for the value in the Bond Resolution, on the advice of the Town Attorney.

The committee members present unanimously expressed serious concern about this action. The core committee has worked for a year and a half on this project with two objectives:

1. Define a design concept for a Town Hall that will integrate all town government functions under one roof, with adequate space for all needs, including an appropriately-sized public meeting space.
2. Ensure that the Town Hall project can be completed for a target cost of \$500,000.

The second objective was grounded in the fact that, with the current recessed economy, we were obligated to produce a financial approach with little or no impact on taxpayers. With the reserve that can be applied to the project, as well as some potential for grants to defray the cost of some aspects of the building (e.g., the Court), we hoped the Town would have to borrow only about \$300,000 to \$400,000. This amount, amortized over 4 to 5 years, could probably be covered under the normal capital budget.

It is impossible to know with certainty what the final project cost will be until the design is put out to bid. However, the committee was satisfied that the current design could be done for between \$500,000 and \$600,000, including soft costs. We were confident that both the design and the financing could be "sold" to our (ultimate) customers, the taxpayers of the Town of New Lebanon.

Our reaction to the Resolutions centers on two issues:

1. The budget in the USDA-RD grant Form E is **36%** greater than the highest cost we felt that taxpayers would approve.
2. An \$815,000 Bond Resolution presented "cold" (with no marketing work) to the taxpayers in a Referendum will likely be **defeated**.

We have no insight into why the RD grant budget is so high, since the numbers were not reviewed with the committee beforehand, and the grant application preparer was not present at our Thursday meeting to defend the costs. We fully appreciate that building costs are high in the 21st century, but we are skeptical of a cost approaching \$320 per square foot. It is not clear whether the grant preparer included renovation of the existing Town Hall in the budget, but if not, that implies an even higher final project cost. If this level of cost was driven by a need to improve the credibility of the grant application, or its chances for award, *we feel it is unwise to add \$215,000 to the job to win \$75,000 of grant money.*

We fully understand that the Bond Resolution is for a NOT TO EXCEED value of \$815,000, and that during actual execution of the project, the Town may borrow a much smaller amount. This would certainly be the case, since the RD budget includes work already completed and paid for (such as demolition of the old meeting space). However, with no opportunity to explain these exigencies to the voters, **we believe the referendum will fail**. As our resident Sage (Bob Winsor) points out, special referendum events typically draw out mostly negative voters.

The committee does not challenge the authority of the Town Board to do what it believes is best for the Town. But we feel duty-bound to express these concerns to you. If we, who have been closest to this project for the past year and a half, are dismayed by the value of the Bond Resolution, how do you think the (currently) uninformed citizenry will react?

Respectfully submitted,
Charles D. (Doug) Banker, for the Town Hall Committee

Bruce Baldwin, Chair
Doug Banker
David Farren
Tony Murad
Kent Pratt
Paul St. Germain
Maura Stouter
Monte Wasch
Bob Winsor

There was a general discussion regarding the referendum including the difficulty of the decision whether to proceed; foregoing the USDA grant monies; the potential that a failure of this referendum could poison future votes; the grant application requires that the bond resolution match the entire budget for the whole project; aspirations to keep the project around \$500,000; and, if necessary, we can break ground in the Spring of 2011. Supervisor Robertson asked Councilmember Chittenden and Livermore to express their thoughts on proceeding with the referendum as they did not attend the special meeting on June 9th when the referendum resolution was adopted. Councilmember Chittenden noted the numbers surprised him but he further noted that he did not want to give up the \$75,000 grant monies; therefore, he thinks we should move forward with the referendum and try to get the \$75,000 grant. Councilmember Livermore noted that he thinks we should move ahead with the referendum.

It was noted that there is an error in the square footage in the resolutions for the referendum and the special election. A motion was made by Councilmember Clark, seconded by Councilmember Baldwin and approved with the following roll call vote to amend Resolution No. 16, 2010 ~ Bond Resolution ~ Town Hall Addition and Resolution No. 17, 2010 ~ Special Election: Bond Resolution ~ Town Hall Addition to correct the estimated square footage from 2,567 square feet to approximately 3200 square feet of additions and 2800 square feet of renovated space.

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

Roll Call Vote:

Supervisor Robertson	Aye
Councilmember Baldwin	Aye
Councilmember Chittenden	Aye
Councilmember Clark	Aye
Councilmember Livermore	Aye

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

Further, a motion was made by Councilmember Chittenden, seconded by Councilmember Clark, and approved unanimously to authorize the Town Clerk to take all actions necessary for the referendum.

GRANT OPPORTUNITIES: OFFICE OF COMMUNITY RENEWAL:

Joseph Rabito and Ashley Lavigne from the Office of Community Renewal presented information on the New York State Community Development Block Grants including the Economic Development Program, the Small Business Assistance Program, and the Microenterprise Program. The NYS Community Development Block Grant (NY CDBG) Economic Development programs provide funds to eligible local governments to assist qualifying businesses who undertake activities resulting in the creation or retention of job opportunities for persons from low and moderate income families. Eligible activities include:

1. Economic Development: Funding is typically provided to eligible communities for traditional economic development activities such as business attraction, expansion, and retention projects to:
 - Provide financial assistance to businesses for an identified CDBG eligible activity which will result in the creation or retention of permanent, private sector job opportunities principally for persons from low-and-moderate-income (LMI) families; or
 - Construct or improve publicly owned infrastructure necessary to accommodate the creation, expansion or retention of a business which will result in the creation or retention of permanent, private sector job opportunities principally for persons from low-and-moderate-income families.
2. Small Business Assistance: Provides resources to communities in an effort to promote entrepreneurship as a vehicle for sustainable economic development and growth while providing job opportunities for persons from LMI families. For the purpose of this program, a small business is defined as a commercial enterprise that is independently owned, operated, and controlled, and has twenty-five (25) or fewer full-time equivalent employees at the time of application.
3. Microenterprise: Provides resources to support and foster the development or expansion of microbusinesses by providing grants in conjunction with capacity building and entrepreneurial assistance. A microenterprise is defined as a commercial enterprise that has five (5) or fewer full-time equivalent employees, one (1) or more of which is the principal and owns the enterprise at the time of application.

Eligible uses of NYS CDBG Economic Development funds include: acquisition of real property; financing of machinery, furniture, fixtures and equipment; building construction and renovation*; working capital; inventory; and employee training expenses. (*Funds awarded under the Small Business Assistance program may not be used for new construction activity. Construction, building or other improvements are not an eligible used of Microenterprise funds.) Additional information is available at the NYS Office of Community Renewal website at <http://www.nysdhr.gov/Programs/NYS-CDBG/>. The information provided will also be shared with the Lebanon Valley Business Association.

PRIVILEGE OF THE FLOOR:

Barbara Ruhe addressed the town board regarding any follow up with DEC on the Wyomanock “swamp” issue. The town is submitting a permit application for the

replacement of the culverts on Canaan Road and DEC has assured the town that the permit will not be denied. Additionally, Mike Higgins has promised to have the swamp issue looked into within the next week and a half; he will be contacting the Highway Superintendent and Councilmember Clark regarding this. Both Mike Higgins and Nancy Adams have assured the town that if resident's properties are being damaged, the permits will not be denied.

JJ. Johnson-Smith addressed the town board regarding the packet she had submitted last month. Town Clerk Teal apologized to Ms. Johnson-Smith and noted that she had not forwarded the packet information to the board members until the middle of last week.

Robert Mittnacht addressed the town board noting that the Zoning Enforcement Officer has cited him for a violation stating that he is operating a "truck terminal;" however, Mr. Mittnacht noted, there is no definition of a truck terminal in our zoning regulations. Mr. Mittnacht asked the town board if the Zoning Enforcement Officer could be stopped by the town board until we get through this mess. Supervisor Robertson noted that she will follow up with Mr. Mittnacht.

Robert Smith addressed the town board regarding Robert Mittnacht's situation stating that the Zoning Enforcement Officer is harassing Mr. Mittnacht.

Councilmember Clark addressed the public noting that zoning issues should be brought to the Zoning Board of Appeals. A great deal of time is being spent at each town board meeting on zoning issues; zoning issues are not the business of the town board; the Zoning Board of Appeals is the authority on these issues.

Trina Porte addressed the town board noting that the first Sunday of the New Lebanon Farmer's Market was very successful and Ms. Porte further noted that the Farmer's Market is set up to handle women, infants and children food stamps, EBTs, the Senior Nutrition Program Farmer's Market coupons, and food stamps.

Councilmember Chittenden reported that the New Lebanon Farmer's Market will hold their Grand Opening ceremonies Sunday, July 4th although they officially opened on June 13th and will be open every Sunday from 10:00 to 2:00 through October.

COMMITTEE REPORTS:

Announcements: ~ no report ~

Economic & Business Development:

Councilmembers Chittenden and Clark reported that they had a brief meeting with Trina Porte regarding upcoming grants as well as broad band services.

Highways, Buildings, & Town Property:

Highway Contracted Equipment Bids:

A motion was made by Councilmember Baldwin, seconded by Councilmember Livermore, and approved unanimously to authorize the Highway Superintendent to go out to bid for annual requests for contracted equipment bids.

Town Hall Project – EPA Lead-Safe Certification:

Councilmember Baldwin noted that during the construction/renovation of the town hall,

at least one person that is EPA Lead-Safe certified must be present at all times. The certification may be available at no charge but could be up to \$200 per person. Councilmember Baldwin requested board approval to have four (4) people certified for the project.

A motion was made by Councilmember Clark, seconded by Councilmember Livermore, and approved unanimously to authorize four (4) people to be EPA Lead-Safe certified with preference for free certification but, if free is not available, then up to \$200 per person, subject to the voters approval of the referendum.

Wyomanock Creek – DEC Permit Application/SEQRA – Canaan Road Culverts:
Upon completion of the Short Environmental Assessment Form for Unlisted Actions as required by DEC for a permit application for replacement of the two (2) culverts on Canaan Road, a motion was made by Councilmember Clark, seconded by Councilmember Baldwin and approved unanimously that the project will not result in any significant adverse environmental impacts.

Further, a motion was made by Councilmember Clark, seconded by Councilmember Baldwin and approved unanimously to authorize the Town Supervisor to execute all necessary documents for submission of a Joint Application Form to NYS DEC to obtain a permit to replace the two (2) culverts on Canaan Road.

Councilmember Livermore had to leave the meeting – absent from this point forward.

Zoning, Planning, Code Enforcement, & Assessor:

Planning Board Chairman's Request for appointment of an alternate Planning Board Member:

Planning Board Chairman, Ray Herrmann, requested that the Town Board consider recruiting an alternate Planning Board Member as there are several Planning Board Members who are frequently away on business and, given the current economy, it is unavoidable for members to take work when and where they can. Having at least one alternate member would reduce the chances of not reaching a full quorum.

A motion was made by Councilmember Baldwin, seconded by Councilmember Clark, and approved unanimously (Councilmember Livermore absent) to recruit an alternate Planning Board Member.

Education & Recreation::

Kathy Murnane reported that the seniors have been talking about the proposed town hall project and the project is well supported by this group.

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

Court – Deputy Court Clerk:

A motion was made by Councilmember Baldwin, seconded by Councilmember Chittenden, and approved unanimously to appoint Tammie Darcy as temporary Deputy Court Clerk effective June 1, 2010 at a rate of \$11.85 per hour.

COMMUNICATIONS:

#01 – Residents of Adams Crossing Road

Re: Request for speed limit reduction on Adams Crossing Road.

Matt Larabee, NL representative to the Columbia County Traffic Safety Council, reported that he traveled the road in question and requested that the recommended speed limit be 30 mph and that two (2) school bus stop signs be installed, one at the top of the hill and one at the bottom of the hill.

RESOLUTION #18, 2010 ~ REQUEST FOR SPEED LIMIT REDUCTION ON ADAMS CROSSING ROAD

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

REQUEST FOR SPEED LIMIT REDUCTION ON ADAMS CROSSING ROAD

BE IT RESOLVED THAT the Town Board of the Town of New Lebanon hereby requests that for reasons of traffic and pedestrian safety, due to a bus stop at the base of the hill on Adams Crossing Road in combination with the narrowness of the road, the curves in the road, and the limited line of vision along the hill, that the speed limit on the above noted road be reduced to thirty (30) miles per hour.

BE IT FURTHER RESOLVED THAT a certified copy of this resolution shall be filed with the Columbia County Highway Department and the Columbia County Traffic Safety Council.

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 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 #19, 2010 ~ REQUEST FOR "SCHOOL BUS STOP AHEAD" SIGNS ON ADAMS CROSSING ROAD

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

REQUEST FOR "SCHOOL BUS STOP AHEAD" SIGNS ON ADAMS CROSSING ROAD

WHEREAS, the Town Board of the Town of New Lebanon received a written request for a speed limit reduction on Adams Crossing Road from sixteen (16) residents of said road; and

WHEREAS, there will be a school bus stop at the base of the hill on said road starting in September 2010; and further, with recommendation from the New Lebanon Representative to the Columbia County Traffic Safety Council, Matt Larabee;

NOW, THEREFORE, BE IT RESOLVED THAT the Town Board of the Town of New

Lebanon requests that "School Bus Stop Ahead" signs be placed at the top of the hill on the Westbound side and along the level portion of the road on the Eastbound side of Adams Crossing Road.

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 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.

#02 – David Cullen

Re: Interest in serving on Conservation Advisory Council

A motion was made by Councilmember Baldwin, seconded by Councilmember Chittenden, and approved unanimously to appoint David Cullen to the Conservation Advisory Council for a term of two (2) years to expire 12/31/11.

The town board noted that they have also received letters of interest from John Dax and Trina Porte also.

A motion was made by Councilmember Baldwin, seconded by Councilmember Chittenden, and approved unanimously to appoint John Dax and Trina Porte to the Conservation Advisory Council each for a term of two (2) years to expire 12/31/11.

OLD BUSINESS:

Zoning Regulations:

Draft Zoning Map Correction:

A motion was made by Councilmember Baldwin, seconded by Councilmember Chittenden, and approved unanimously (Councilmember Livermore absent) to correct the draft zoning map to change all of the parcels with frontage on the south side of Route 20 between Old Gale Hill Road and Schoolhouse Road from General Commercial to Commercial Residential.

Flood Management Section of Draft Zoning Regulations (Section 6.1.5 Flood Zone Overlay):

A motion was made by Councilmember Baldwin, seconded by Councilmember Clark, and approved (Councilmember Chittenden abstained, Councilmember Livermore absent) to modify the regulations by eliminating all of the text in Section 6.1.5 and replacing it with the following text: "*All uses and structures located in the Flood Zone Overlay District shall comply with Chapter 113 of the Code of the Town of New Lebanon.*"

Enactment:

A motion was made by Councilmember Baldwin, seconded by Councilmember Clark, and approved (Councilmember Chittenden voted nay, Councilmember Livermore

absent) to enact the proposed local law to amend the zoning regulations of the Town of New Lebanon.

RESOLUTION #20, 2010 ~ LVPA AMBULANCE 2011 BUDGET

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

WHEREAS, the Town of New Lebanon is working on the installation process for a new ambulance company separate from the LVPA; and

WHEREAS, this process may necessarily extend beyond December 31, 2010;

NOW, THEREFORE, BE IT RESOLVED, that the New Lebanon Town Board hereby agrees to provide the LVPA Ambulance with a 2011 budget on a quarterly basis in the event the installation of a new company does extend beyond December 31, 2010.

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 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.

NEW BUSINESS:

Terms of Office of Elected Officials:

There was a general discussion regarding changing the terms of office of the elected positions of Highway Superintendent, Town Clerk, and Tax Collector. The term of office of a town supervisor in county with a Board of Supervisors cannot be changed in the same manner. The Town Attorney will draft a proposed law for the board to review to extend the terms of office of the Highway Superintendent, Town Clerk, and Tax Collector to four (4) years. If enacted by the Town Board, it will be put on the ballot for the November election.

2010 Early Retirement Incentive from New York State and Local Employees' Retirement System:

No action.

ANNOUNCEMENTS:

June:

Tuesday, June 15th ~ Town Hall Committee Meeting at 7:00 p.m. at the American Legion Building

Monday, June 28th ~ Special Meeting (Town Hall Project Informational Meeting) at 7:00 p.m. at the American Legion Building

Tuesday, June 29th ~ Special Election: 12:00 p.m. to 9:00 p.m. at the Immaculate Conception Meeting Hall

July:

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

BUDGET AMENDMENT:

Amendment No. 6 of 2010

General Fund:

\$250 Increase Revenue: Donations A-2770 (*donation from Unity Lodge No. 9 to the Town of New Lebanon Summer Youth Program*)

\$250 Increase Summer Youth Program (Contractual Expenses) A-7310.4

A motion was made by Councilmember Chittenden, seconded by Councilmember Clark, and passed (Councilmembers Livermore and Baldwin absent) to approve the above noted amendment to the 2010 Budget.

AUDIT OF THE BILLS:

General Fund Claim Nos. 218 through 267, in the amount of \$64,140.63; and

Highway Fund Claim Nos. 84 through 108, in the amount of \$36,774.24;

As set forth in Abstract No. 6, dated June 14, 2010; were audited.

A motion was made by Councilmember Baldwin, seconded by Councilmember Clark, and approved (Councilmember Chittenden abstained, Councilmember Livermore absent) to pay the above noted claims from their respective accounts.

ADJOURNMENT:

A motion was made by Councilmember Chittenden and seconded by Councilmember Baldwin to adjourn the meeting at 10:20 p.m.

Respectfully submitted,

Colleen Teal, RMC
Town Clerk