

**MINUTES OF THE REGULAR MONTHLY MEETING OF
THE TOWN BOARD OF THE TOWN OF NEW LEBANON
HELD ON DECEMBER 12, 2011**

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

Recording Secretary: Colleen Teal, Town Clerk

Others Present: Andrew Howard, Attorney for the Town
Cissy Hernandez, Building Dept. Administrator
Kent Pratt, CEO/ZEO
Kathy Murnane, Rep. to CC Office for the Aging
Matt Murnane, Planning Board Member
Scott Larabee, Recreation Commission Member
Mike Benson, Supervisor-Elect
Karen McGraw, NLCSO Superintendent
Tammie Darcy, Tax Collector
Wayne Martin, Ethics Board Member
Kevin Smith, Ethics Board Member
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 7:05 p.m. by Supervisor Robertson and the flag salute followed a moment of silence.

SUPERVISOR'S REPORT:

Supervisor Robertson read her monthly report.

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

NEW LEBANON CENTRAL SCHOOL DISTRICT:

Karen McGraw, NLCSO Superintendent, addressed the town board and the public noting that she was receiving feedback from the community that there appeared to be a "disconnect" between the school board and the town board. She noted that she hoped that her occasional attendance at the town board meetings might help bridge the gap.

Ms. McGraw addressed the 2% tax cap noting the New Lebanon has had a 0% increase for the past two (2) years so the cap is not as hard or troublesome for NLCSO as it is for some of the neighboring districts. Ms. McGraw also noted that since there are five (5) different towns that pay school taxes to New Lebanon, assessment rates may vary from town to town, so a 0% budget increase does not always translate into no increase in individual tax bills. Ms. McGraw noted that New Lebanon and Chatham Central School Districts are working together on a grant application to do a feasibility study of merger; this is not due to any current issues or problems but from the point of view that it is

fiscally responsible to look at all options. The study will take between one and two years to complete, after that, there will be discussions about whether it makes sense financially *and* for the students; it has to make sense both ways. While it is a slow process, it is an important process to look at. While Chatham is the only other district that New Lebanon is working on this process with, the results, from New Lebanon's standpoint, will be useful in discussions with other districts. The public asked Ms. McGraw about potential Questar "merger" for bus drivers and she noted that the board is looking at this possibility. It would be fiscally irresponsible *not* to look at it but the school board is aware that this type of change would have a very human impact. Ms. McGraw noted that the school board is systematically looking at all the alternatives that are available. Another question was posed regarding the per capita per student and the population of the district. Ms. McGraw noted that she did not have the per capita number but there are just under 500 students enrolled in the school.

Kathy Murnane noted that there are a lot of seniors in our community that could use help with things like shoveling snow, changing storm windows, etcetera and if the students could help as community service it could be a symbiotic relationship. Ms. McGraw will work on this with Kathy Murnane and Councilmember Bruce Baldwin.

PRIVILEGE OF THE FLOOR:

No one wished to address the town board.

COMMITTEE REPORTS:

Economic & Business Development:

Councilmember Clark reported that they has been working with Fiona Lally of the Lebanon Valley Business Association and they are tentatively planning a public information meeting or workshop on the 20/22 Corridor or "Main Street" grant application in late January or early February. He also reported that they have suggested to NYS DOT to "narrow" the 20/22 Corridor as part of the sidewalk project. Additionally, Councilmember Clark reported that Jay Lord of Hannaford has offered to meet with the Economic and Business Development Committee and/or the Town Board to discuss, from his perspective, some of the major struggles in opening any new business

Supervisor Robertson reported that she had a brief meeting with the President of the Bank of Greene County and their Vice President of Municipal Banking. While they are not turning down the opportunity and they are looking forward to opening a branch in the northern part of the county, they would prefer to have a supermarket first. Supervisor Robertson noted that Bank of America is closing thousands of branches; when a branch gets below \$20 million in deposits, they close it. The New Lebanon branch dropped to \$22 million as of last June. She is looking into a potential transition from Bank of America to Bank of Greene County. She also noted that Hannaford is still working on bringing in an independent grocer that stocks Hannaford products into the old supermarket site.

Highways, Buildings, & Town Property:

Highway:

Councilmember Baldwin noted that the Highway did a very good job during the two minor snowstorms we had.

Town Hall:

Kent Pratt, CEO/ZEO, reported that the doors at the town hall need weather stripping and he offered to get the weather stripping and install it. The town board approved this.

Town Park:

Ice Skating Rink:

Scott Larabee submitted two (2) options for a skating rink at the Pavilion:

The skating rink will be 34 feet by 66 feet allowing a 2 foot clearance from all poles making it unnecessary to pad the poles.

Both options for the rink use a double layer of 2" pressure treated dimensional lumber for strength and to make the frame of the rink self-supporting.

Option #1:

2" x 4" construction	
Lumber	\$166.74
Screws	\$30.00
<u>Plastic</u>	<u>\$199.99</u>
Total	\$396.73 + tax

Option #2:

2" x 6" construction	
Lumber	\$250.74
Screws	\$30.00
<u>Plastic</u>	<u>\$199.99</u>
Total	\$480.73 + tax

All lumber prices are from Home Depot and the plastic is from Tractor Supply.

The board noted that we are tax exempt so no taxes will apply.

A motion was made by Councilmember Baldwin, seconded by Councilmember Clark, and passed unanimously to approve Option # 2 but to have the lumber priced from New Britain Log N Lumber also and to also have Councilmember Chittenden check on pricing for the plastic.

Sledding Agreement:

Scott Larabee asked the town board to proceed with the sledding activity, which will require a lease agreement between the town and K.B. Chittenden.

A motion was made by Councilmember Larabee, seconded by Councilmember Clark, and approved (Councilmember Chittenden abstained) to authorize the town attorney to draft a lease agreement for this activity.

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

Columbia County Environmental Management Council:

Supervisor Robertson read a report from John Dax on the activities of the Columbia County Environmental Management Council since his appointment as the New Lebanon Representative:

1. Drafted a recommendation to guide Columbia County municipalities in regulating Outdoor Wood Boilers pending NYS DEC regulations becoming effective;
2. Teamed up with the Columbia Land Conservancy to advocate for and host workshops and speakers on a variety of environmental issues, including the formation of local Conservation Advisory Councils (CACs), watershed regulations, and the development of a county-wide GIS system; and
3. Developed a database of local land use controls affecting environmental resources; although still a work-in-progress, the database now includes summaries of relevant local laws of seven Columbia County municipalities which will serve as a resource for communities interested in enacting local laws to protect environmental resources in a thoughtful manner (a copy of the database was submitted to the board.)

Supervisor Robertson further reported that the New Lebanon representative position on the Columbia County Environmental Management Council is now vacant and the town is looking for people interested in serving in this position.

Conservation Advisory Council:

Trina Porte, CAC Chairperson, provided the Town Board with the CAC Annual Report.

A motion was made by Councilmember Baldwin, seconded by Councilmember Chittenden, and approved unanimously to accept the CAC Annual Report.

Town Clerk Teal will file the report with the State Commissioner of Environmental Conservation.

Education & Recreation:

CC Office for the Aging:

Kathy Murnane reported that there is a meeting Wednesday at the New Lebanon Library with the Columbia County Office for the Aging to set up a tentative schedule for a representative to come to New Lebanon to provide information on food stamps, Medicaid, meals-on-wheels, senior housing and nursing homes, lower-income programs and other things.

Charly's Pantry:

Kathy Murnane reported that so many people need help, especially with the reductions in HEAP (Home Energy Assistance Program) assistance this year. Councilmember Larabee reported that the Northeastern Regional Food Bank did provide two new freezers to Charly's Pantry.

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

CC Traffic Safety Council:

Councilmember Larabee reported that they are still investigating the weight and speed limit reduction on County Route 9 North.

COMMUNICATIONS (and Petitions):

1 ~ Cynthia Creech

Re: Interest in serving on the Recreation Commission.

A motion was made by Councilmember Baldwin, seconded by Councilmember Larabee, and passed unanimously to appoint Cynthia Creech to the Recreation Commission.

OLD BUSINESS:

Justice Court Audit:

Councilmember Baldwin inquired if Attorney Howard had received any response to his correspondence to the Office of the State Comptroller regarding the Justice Court Audit; no response has been received.

NEW BUSINESS:

Personnel Policies:

The town board tabled this item until the bookkeeper can meet with the board.

CDPHP Insurance Quotes:

The town board reviewed two quotes from CDPHP for medical coverage, the current plan (Quote 2) and a plan with a higher co-pay for medical visits (Quote 1):

A motion was made by Councilmember Chittenden, seconded by Councilmember Clark, and approved unanimously to accept Quote 1: HMO-HA29S12: In Network at a rate of \$448.94 for single coverage; \$897.88 for two-person coverage; and \$1,189.69 for family coverage.

Donnelly Bill:

The town board directed the town clerk to process this bill for payment at the year-end meeting.

IKON Copier Proposal:

The town board tabled this item until the year-end meeting.

Dog Control Contracts:

The town clerk requested that contracts be signed with both the Rensselaer County Humane Society and the Columbia Greene Humane Society. The Rensselaer County Humane Society will be used whenever possible as the cost to both the town and the dog owner is less.

A motion was made by Councilmember Baldwin, seconded by Councilmember Clark, and approved unanimously to authorize the Town Clerk to execute the agreements with the Rensselaer County Humane Society and the Columbia-Greene Humane

Society with the understanding that the Rensselaer County Humane Society will be used whenever possible.

ANNOUNCEMENTS:

December:

Tuesday, December 27th ~ Town Board Year-End Meeting at 7:00 p.m. at the American Legion Building

January:

Sunday, January 1st ~ Official Swearing In of Elected Officials at 9:00 a.m. at the American Legion Building

Tuesday, January 3rd ~ Staff/Team Meeting at 2:00 p.m. at the American Legion Building

Wednesday, January 4th ~ Town Board Organizational Meeting at 7:00 p.m. at the American Legion Building

Tuesday, January 10th ~ Town Board Regular Monthly Meeting at 7:00 p.m. at the American Legion Building

BUDGET AMENDMENT:

Amendment No. 10 of 2011

General Fund:

\$280 from A-1010.4 (Town Board: Contractual Expense)

\$280 to A-1440.4 (Engineer: Contractual Expense)

\$475 from A-1620.2 (Buildings: Equipment)

\$475 to A-1620.4 (Buildings: Contractual Expense)

\$1,550 from A-1660.4 (Central Supply: Contractual Expense)

\$800 to A-1670.4 (Central Printing & Mailing: Contractual Expense)

\$750 to A-1680.4 (Central Data Processing: Contractual Expense)

\$3,350 from A-1990.4 (Contingency)

\$3,350 to A-9060.8 (Hospital & Medical Insurance)

Highway Fund:

\$4,191 to DA-03409 (Appropriated Fund Balance)

\$304 from DA-5140.4 (Brush & Weeds/Misc.: Contractual Expense)

\$91 to DA-5110.4 (General Repairs: Contractual Expense)

\$3,138 to DA-5130.4 (Machinery: Contractual Expense)

\$1,266 to DA-5142.4 (Snow Removal: Contractual Expense)

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

AUDIT OF THE BILLS:

General Fund Claim No. 444, in the amount of \$59,203.00; and

Highway Fund Claim No. 186, in the amount of \$12,500.00;

As set forth in Abstract No. 16, dated December 12, 2011; were audited; and

General Fund Claim Nos. 445 through 488, in the amount of \$66,632.83;
Escrow Fund Claim Nos. 994 through 998, in the amount of \$3,659.40; and
Highway Fund Claim Nos. 187 through 197, in the amount of \$10,476.94;
As set forth in Abstract No. 17, dated December 12, 2011; were audited.

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

EXECUTIVE SESSION:

A motion was made by Councilmember Baldwin, seconded by Councilmember Chittenden, and passed unanimously to enter an executive session at 8:33 p.m. to discuss pending litigation and further to invite Michael Benson, Supervisor-Elect, and Kent Pratt, CEO/ZEO to attend the session.

A motion was made by Councilmember Baldwin, seconded by Councilmember Larabee, and passed unanimously to close the executive session at 9:20 p.m.

A motion was made by Councilmember Baldwin, seconded by Councilmember Larabee, and passed unanimously to recommend an assessment settlement of \$850,000 on the Squire case and further to authorize the Town Attorney to proceed on this settlement.

ADJOURNMENT:

A motion was made by Councilmember Chittenden and seconded by Councilmember Larabee to adjourn the meeting at 9:22 p.m.

Respectfully submitted,

Colleen Teal, RMC
New Lebanon Town Clerk