

**MINUTES OF THE REGULAR MEETING OF
THE TOWN BOARD OF THE TOWN OF NEW LEBANON
HELD ON OCTOBER 13, 2015**

Present: Michael Benson, Supervisor
Dan Evans, Councilmember
Chuck Gerald, Councilmember
Irene Hanna, Councilmember

Absent: Matthew Larabee, Councilmember

Recording Secretary: Colleen Teal, Town Clerk

Others Present: Jeff Winestock, Highway Superintendent
Cynthia Creech, Deputy Court/Assessor's Clerk;
Recreation Commission, CAC, & Zoning Re-Write
Committee Member
Robert Smith, Planning Board Member
Bruce Shenker, NL Rep. to CC Environmental
Management Council
Ted Salem, ZBA & Zoning Re-Write Committee Member
Steve Oberon, LVHS
Joe Ogilvie, Recreation Commission
Gregg Gilliland, LVPA President
Bobby Waters, LVPA
Ben Wheeler, LVPA Fire Chief
Thaddeus Flint, Reporter for *The Eastwick Press*
Gail Heinsohn, Reporter for *The Chatham Courier*
Several members of the public

CALL TO ORDER:

The meeting was called to order at 7:02 p.m. by Supervisor Benson. A moment of silence was followed by the flag salute.

MINUTES:

The minutes of the **July 28, 2015 Workshop on Petition & Proposed Local Laws re: Noise Control and Regulation of Motor Vehicle Racing**; the **August 11, 2015 Public Hearing on the Proposed Local Law Amending Specified Sections of Chapter 205 (Zoning) of the Town of New Lebanon**; and the **August 11, 2015 Regular Monthly Meeting** were reviewed. A motion was made by Councilmember Gerald, seconded by Councilmember Hanna, and passed unanimously (Councilmember Larabee absent) to accept the above noted minutes as typed.

Town Clerk Teal noted that the minutes of the September 8, 2015 Regular Monthly Meeting are complete but they were just distributed today so the board has not had time to review them.

FINANCIAL:

Specific Questions on Vouchers:

No questions.

Supervisor's Report:

Supervisor Benson read the Supervisor's Report and noted the other reports provided to

the board members.

A motion was made by Councilmember Evans, seconded by Councilmember Hanna and approved unanimously (Councilmember Larabee absent) to accept the Supervisor's report.

OLD BUSINESS:

Former Town Gravel Pit – West Hill Road:

No action.

Highway Material Testing/Material Conformance:

No action.

Human Resource Matters/HR Manual:

No action.

Tennis Court Bids:

Town Clerk Teal reported publication of the bid notice as follows:

NOTICE TO BIDDERS
RECONSTRUCTION OF TENNIS COURTS
TOWN OF NEW LEBANON
COUNTY OF COLUMBIA

NOTICE IS HEREBY GIVEN that the TOWN OF NEW LEBANON is seeking bids for RECONSTRUCTION OF THE TENNIS COURTS AT SHATFORD PARK.

Removal and stacking of the existing fence and demolition of existing blacktop layers without disturbing the subbase will be performed by the town. The bid for the Shatford Park Tennis Courts is for the following scope of work:

General:

- Reconstruction of a new court system 110' x 120' consisting of two doubles courts with new nets and posts.
- All work will be completed in a 40 degree and rising environment.
- A schedule will be submitted to the Town of New Lebanon two weeks before construction begins so that proper notifications to the public can be made.
- All excavations will need to be marked off or covered during non-work hours.

Construction:

- Installation of stabilization fabric across existing subbase using proper overlaps per manufacturer's requirements.
- Installation of Type 2 NYSDOT or similar crusher run at a depth of 8". A 1% grade will be met, sloping from the middle of the two courts to the shoulders. Proper compaction will be required.
- Installation of Type 3 NYSDOT Binder or similar will be installed at a thickness of 2".
- Installation of Type 7 NYSDOT Surface Course or similar at a thickness of 1.5".
- Installation of new nets and posts per manufacturer's recommendations. Submittal of the product to be used will require approval by the Town Board.
- Application of an approved surface coating and striping system.

A pre-bid meeting will be held on Friday, September 25, 2015 at 9:00 a.m. at Shatford Park in New Lebanon. Bidders must satisfy themselves by inspecting the site of the proposed work and making themselves familiar with local conditions.

Sealed bids must be in plain envelopes, clearly labeled only with the item being bid, and must include a "Non-Collusive 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, October 2, 2015. Electronic and faxed bids will not be accepted.

Bids will be opened at the Office of the Town Clerk on Friday, October 2, 2015 at 5:00 p.m. The Town Board reserves the right to reject or accept all bids.

Colleen Teal, Town Clerk
9/8/15

Addendum No. 1, as follows, was provided to all bidders that attended the pre-bid meeting:

ADDENDUM NUMBER ONE
Reconstruction of Tennis Courts
Town of New Lebanon
County of Columbia

All bidders on the above referenced project please review this addendum to the previously issued Notice to Bidders. The following statements are made to clarify the scope of work, the bidding format or to answer questions posed at the pre-bid meeting held on Friday, September 25, 2015 at 9:00 AM:

Please note that receipt of this addendum must be acknowledged on the bid form attached hereto.

1. Provided herewith is a bid form which shall be utilized in the submission of all bids.
2. Provided herewith is a Non-Collusive Affidavit which shall be utilized in the submission of all bids.
3. All bids shall be broken down as directed by the bid form.
4. This project will be awarded on a lump sum basis to one contractor.
5. The town will provide material to back-up newly installed subbase and also topsoil and seeding around the perimeter of the new court system.
6. This project is subject to NYS Prevailing Wages. Wage rates may be obtained through the NYS Department of Labor.
7. All bidders should provide manufacturers cut sheets and/or product data for the net systems that are proposed by the bidder.

END OF ADDENDUM NUMBER ONE:

Dated September 25, 2015

Two bids were received. Supervisor Benson read the bids as follows:

W.E. Williams Paving, Inc.

Fabric and Subbase:	\$20,750
Asphalt Paving:	\$42,450
Coatings/Markings:	\$17,500
Net Systems:	\$5,480
Total Amount of Bid:	<u>\$86,180</u>

HMA Contracting Corp.

Fabric and Subbase:	\$23,070
Asphalt Paving:	\$35,300
Coatings/Markings:	\$15,890
Net Systems:	\$11,360
Total Amount of Bid:	<u>\$85,620</u>

There was discussion regarding funding, deferring the project to the spring, asking the bidders to hold their bids until April 1st, and how many people actually use the courts.

A motion was made by Councilmember Geraldini, seconded by Councilmember Hanna and approved unanimously (Councilmember Larabee absent) to authorize the

Supervisor to send a letter to each of the bidders to request that they hold their bids through April 1st, the Town Board work on the funding through the budget process and then look at the project again towards spring when it will be time to do the project.

Councilmember Evans asked Supervisor Benson to also include in the letter a request for the manufacturer cut sheets and/or product data for the net systems.

NEW BUSINESS:

Health Insurance Renewal Proposal:

Supervisor Benson noted that the health insurance renewal will be discussed in the course of budgeting but he wanted to be sure there were no questions on the information he had distributed. If there are no questions, they would hold the discussion until budget time. There were no questions.

Budget Meeting Schedule:

The Town Board set the following budget workshops for the 2016 Town Budget preparation:

Monday, October 19th at 6:00 p.m.
Wednesday, October 21st at 6:00 p.m.
Thursday, October 29th at 7:00 p.m.

All workshops will be held at the Town Hall.

Columbia County Environmental Management Council:

Bruce Shenker, New Lebanon Representative to the Columbia County Environmental Management Council (CCEMC), reported the following:

- They had a presentation by Patrice Perry, Senior Planner for Columbia County Planning/Economic Development, regarding the County use of GIS (Geographic Information Systems) and it is basically a way of putting data on a map so it is visually available; it may be something that is useful for planning. The County is using it for transportation and land use. He has a data set that is a couple years old but if anyone in the town government is interested, he can teach them how to use it and make the data available; if there is any use for that, he is available to help out. The County bought ArcGIS Advanced for Desktop and they are starting to ramp that up slowly.
- They had a presentation by Henry Schwartz, Deputy Director at Columbia County Emergency Management, about Hazardous Materials Mitigation Plans for the County; the TCI incident several years ago opened a lot of people's eyes to the need for this. If anyone has any input on local things that might be of interest, they may contact him or go directly to the County.
- One place that New Lebanon is looking better than a lot of other places is we have a very active Conservation Advisory Council (CAC) which is doing a natural resources inventory. A lot of other towns are not anywhere near where we are so that is one place that we really shine compared to the rest of the County.
- Congressman Chris Gibson along with ten (10) other Republicans has proposed a resolution to the House of Representatives saying that climate

change is a real phenomenon caused by man-made things and “commits to working constructively to create and support economically viable and broadly supported private and public solutions to study and address the causes and effects of measured changes to our global and regional climates.” Basically, it is a call to action at all levels of government, including towns. Three other towns in the County – Ancram, Chatham, and Hillsdale – have passed resolutions similar to this where the town pledges a commitment to work against climate change at the local level. It is a resolution which is a call to action. Mr. Shenker has been speaking with Robyn Reynolds from Climate Action Associates and she has done presentations to both the Town and Village of Chatham and the Town of Copake. They have a program called “Climate Smart Communities” and she would be more than willing to come here in November and give a five to ten minutes presentation on how a town can become a climate smart community. In addition to being good for the environment, it saves money because it is basically a better use of energy and this is one of the things she stresses. Mr. Shenker asked if he could schedule a five to ten minute presentation at the November meeting, the reason he is asking for the November meeting is they have funding through November. The funding will probably be renewed but she definitely can do this in November, there is no charge and no commitment.

Cynthia Creech, CAC Member, noted Mr. Shenker came to their meeting last night and discussed this with them and the CAC would be interested in hearing from Ms. Reynolds and certainly would encourage the board to take action. And if, after hearing what she has to say, they chose to take action, the CAC would support that.

Supervisor Benson agreed to have Ms. Reynolds make a presentation at the November meeting and asked Mr. Shenker to make the arrangements and then let him know. Mr. Shenker agreed and said five to ten minutes is all that she will just basically present some very practical solutions for the town to save money on energy and to become a climate smart community. Mr. Shenker noted if anyone has any questions they can contact him at 781-4525.

LIAISON REPORTS:

Economic Development & Conservation Advisory Council (Councilmember Evans):

Councilmember Evans had no report.

Conservation Advisory Council (CAC):

Cynthia Creech reported that the CAC is just waiting to see if they got funding through the grant application they submitted to get started on the natural resources inventory. It would be difficult to start it with help from Hudsonia and the Hudson River Estuary Program without some funding.

Economic Development:

Supervisor Benson reported that he had met with Max Gitter, NL Economic Development Committee Chair, and Michael Rosen, President of the Food Industry Alliance of New York State, Inc. (FIA). The FIA represents every supermarket chain in five states in the Northeast. Mr. Rosen agreed to put out a mass email blast to all of his

members which is every grocer and wholesaler you can begin to imagine in the Northeast essentially pleading for supermarket for New Lebanon. We got one response. Shoprite reached out to Mr. Rosen just two weeks ago and Mr. Rosen gave Mr. Benson their contact information. He has tried to make contact with them. He is not optimistic about it; it does not work for New Lebanon. They are looking for 25 or 30,000 square feet; that is big for New Lebanon but the company the owns Shoprite also has another store that is in the 12 to 15,000 square foot range so regardless they are going to try; they are going to pursue it.

Highway Department (Councilmember Hanna):

Councilmember Hanna reported that there is nothing new. The Highway Department is continuing to do their usual good job with trying to fix everything at once.

Town Property & Assets (Supervisor Benson):

No report.

Zoning, Planning, Code Enforcement (Councilmember Gerald):

Building Department:

Councilmember Gerald reported that Cissy Hernandez, Building Department Administrator, has been awarded a grant to digitize all the large maps and all the planning and zoning minutes. That is something she will be working on for the next several months. Town Clerk Teal reported that grant amount is \$28,000 and it is from the Local Records Management Improvement Fund under the State Education Department. Ms. Teal also noted that the Regional Office called and discussed the fact that there was little funding this year and it was extremely competitive so Ms. Hernandez did an exceptional job.

Town Assessment Office (Councilmember Evans):

Councilmember Evans had no report.

Education, Recreation, Historian: (Councilmember Larabee):

Councilmember Larabee absent.

Recreation Commission ~ Rail Trail:

Joe Ogilvie, Recreation Commission Member, reported they are working on the Rail Trail trying to get the New Lebanon end of it started. Stephentown has a section started. They are looking to get some approvals from landowners. He noted they had two very successful events with Behold! New Lebanon; for the first one, thirty people came to walk on the Rail Trail; then another fifteen people came for the second one. There was a great deal of interest and the trail is in pretty good shape.

Security, Fire, Law Enforcement (Councilmember Larabee):

Councilmember Larabee absent.

LVPA:

Ben Wheeler, LVPA Fire Chief, reported the board in front of the Fire House shows 98 calls year-to-date so they are right on track for their normal 130 calls for the year which is roughly every three days. They are in the process of finalizing some of the details for some of the fire prevention programs in the schools for the year. They renewed their agreement with the school for evacuation at the New Lebanon station. He also reminded people to clean their chimneys; if they don't the LVPA will. It is cheaper if people do it

and a lot easier on them when it is not 3:00 in the morning but it is that time of year again.

Justice Court/Constable (Councilmember Gerald):

No report.

BUDGET AMENDMENT:

Supervisor Benson reported that we need a budget amendment for the work on the roof on the Highway Garage.

Amendment # 6 of 2015:

General Fund:

\$4,500	from A-1990.4 (Special Item: Contingent)
\$1,500	from A-7010.2 (Parks: Equipment)
\$1,000	from A-7020.4 (Recreation Administration: Contract. Exp.)
\$7,000	to A-5132.4 (Special Item: Unallocated Insurance)

A motion was made by Councilmember Hanna, seconded by Councilmember Gerald, and approved unanimously (Councilmember Larabee absent) to approve the above noted amendments to the 2015 Budget.

AUDIT OF BILLS:

**General Nos. 298 through 324, in the amount of \$28,569.51; and
Highway Nos. 142 through 156, in the amount of \$49,661.32;
As listed on Abstract # 10 of 2015, dated October 13, 2015.**

A motion was made by Councilmember Gerald, seconded by Councilmember Evans, and approved unanimously (Councilmember Larabee absent) to pay the above noted claims from their respective accounts.

ANNOUNCEMENTS (of activities or events):

October:

*Monday, October 19th ~ Town Board Budget Workshop at 6:00 p.m. at Town Hall
Wednesday, October 21st ~ Town Board Budget Workshop at 6:00 p.m. at Town Hall
Thursday, October 29th ~ Town Board Budget Workshop at 7:00 p.m. at Town Hall*

November:

Tuesday, November 11th ~ Town Board Regular Monthly Meeting at 7:00 p.m. at Town Hall

PRIVILEGE OF THE FLOOR:

Stephen Clarson addressed the town board regarding the **designation of the Wyomanock Creek as an Inland Waterway**. Mr. Clarson's property is on the Wyomanock Creek and he wanted to clarify if the designation was for the intent of opening the creek to watercraft. Mr. Clarson was assured that was not the plan for the Wyomanock Creek.

OTHER:

West Hill Road Property:

Supervisor Benson asked Attorney Howard for an update on the sale of the West Hill

Road property. Attorney Howard reported he prepared the quit claim deed and he provided it to the successful bidder and then, at his request, to his attorney, Paul Flint in Chatham. Mr. Flint is reviewing it and he is having a short title search done for his client to make sure there is nothing that would be a cloud on title. He understands that he is taking it “as is.”

ADJOURNMENT:

A motion was made by Councilmember Geraldini and seconded by Councilmember Hanna to adjourn the meeting at 8:00 p.m.

Respectfully submitted,

Colleen Teal, New Lebanon Town Clerk