

**MINUTES OF THE REGULAR MEETING OF
THE TOWN BOARD OF THE TOWN OF NEW LEBANON
HELD ON DECEMBER 8, 2015**

Present: Dan Evans, Councilmember/Deputy Supervisor
Chuck Gerald, Councilmember
Irene Hanna, Councilmember
Matthew Larabee, Councilmember

Absent: Michael Benson, Supervisor

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
Joe Ogilvie, Recreation Commission
Sharon Moon, Town Historian
Mark Baumli, Councilmember Elect
Robert Smith, Planning Board Member
Jack Nevers, Town Justice
Kevin Smith, Ethics Board Member & Councilmember
Elect
Greg Hanna, Planning Board Member
Steve Oberon, LVHS
Ed Godfroy, LVPA
Mary Young, LVPA
Judy Zimmer
Thaddeus Flint, Reporter for *The Eastwick Press*
Several members of the public

CALL TO ORDER:

The meeting was called to order at 7:00 p.m. by Deputy Supervisor Evans. A moment of silence was followed by the flag salute.

MINUTES:

The minutes of the **October 29, 2015 Public Hearing on the 2016 Preliminary Budget** were reviewed. A motion was made by Deputy Supervisor Evans, seconded by Councilmember Larabee, and passed unanimously (Supervisor Benson absent) to accept the above noted minutes as typed.

FINANCIAL:

Specific Questions on Vouchers:

There was discussion regarding Voucher No. A-362 payable to Fingar Insurance in the amount of \$24,165.59 that is for the premiums for 2016 insurance. This bill will be pulled from this abstract and paid in 2016. Voucher No. A-364 payable to General Code Publishers in the amount of \$1,195.00 that only accounted for one bill; there was a second bill in the amount of \$1,449.81 so the corrected amount for Voucher A-364 is \$2,644.81; this is the amount that is on the voucher that the board reviewed and signed but the abstract needs to be corrected.

Supervisor's Report:

Deputy Supervisor Evans read Supervisor Benson's Report and noted the other reports that Supervisor Benson had provided to the board members.

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

OLD BUSINESS:

Highway Bids for Sand, Stone & Gravel, Calcium Chloride and Town Bids for Fuel:

Town Clerk Teal asked for authorization to go out for bids for the following products for 2016: fuel for heating town hall and town garage; on-road fuel for highway vehicles; calcium chloride for highway; and sand, stone & gravel for highway.

There was a general discussion regarding holding off and getting bids later in the year; the Town Clerk was authorized to contact the vendors that were awarded the bids for these products in 2015 to see if they would extend their current bids into 2016. It was noted that the town can piggy-back on the County or State bids.

The board authorized the clerk to go out for bid; if the current vendors do extend their bids, the board can reject all bids.

NEW BUSINESS:

Artemis Farm ~ Columbia Land Conservancy:

Cynthia Creech, Artemis Farm, and the Columbia Land Conservancy requested a letter of support from the town for an application to the New York State Hudson Valley Agricultural Enhancement Program to place a conservation easement on Artemis Farm (land owned by Cynthia Creech and Equity Trust). This farmland protection grant will permanently protect the property from development.

Draft of letter of support:

*Mr. David Behm
Farmland Protection Program Manager
NYS Department of Agriculture & Markets
10B Airline Drive
Albany, NY 12235*

Dear Mr. Behm:

On behalf of the Town of New Lebanon, I would like to express our strong support for the grant application being submitted by the Columbia Land Conservancy to the New York State Department of Agriculture and Markets for the purchase of development rights on lands owned by Cynthia Creech and Equity Trust.

Cynthia owns and operates Artemis Farm, which breeds and sells Randall Cattle, a rare breed of purebred cattle developed in Sunderland, Vermont. In 2000 the American Livestock Breeds Conservatory awarded Cynthia its annual conservation award. In addition to her breed and herd work, Cynthia sells her beef at the New Lebanon Farmers Market and participates in a cooperative CSA.

Protection of the farm would clearly further our Town's goals and objectives for farmland protection as outlined in our current comprehensive plan. We fully support the Columbia Land Conservancy's application, and are hopeful that it will be awarded funding.

If you have any questions, or if I can provide you with any additional information, please do not hesitate to contact me. Thank you for your consideration.

Regards,

A motion was made by Councilmember Hanna, seconded by Deputy Supervisor Evans, and approved unanimously (Supervisor Benson absent) to authorize the Supervisor to submit the letter of support for the above noted conservation easement.

Mobile Home Park License Renewals:

The town board reviewed the mobile home park inspection checklists and recommendations for renewal from the Code/Zoning Enforcement Officer.

A motion was made by Councilmember Larabee, seconded by Deputy Supervisor Evans and approved unanimously (Supervisor Benson absent) to approve the mobile home park license renewals for 2016 per the Code/Zoning Enforcement Officer's recommendations for the following mobile home parks:

Adams Crossing (Garden Homes Management),
Cornerstone,
Hanson's,
Sherman's,
Ski Lodge, and
Tazmutt.

Shatford Park Playground Equipment:

Cynthia Creech, Recreation Commission, addressed the board noting that the Stephentown Elementary School's 10-piece playground equipment has been offered to the Town of New Lebanon for free. Ms. Creech noted that both she and Scott Larabee have looked at the equipment and she also provided the board with a photograph of the equipment. If the Town wants to accept the equipment, we would need to uninstall it and move it by December 31st. There was a discussion regarding the possibilities and concerns. Town Clerk Teal noted that the park capital reserve account was established for park equipment (specifically with the idea towards new playground equipment) and the current balance in that reserve fund is \$11,500; some of this money could be used for the cost of removing and transporting the equipment. It was also noted that Mountain Road School is interested in any equipment that we do not want to re-install or any equipment we currently have that we will replace with the "new" equipment.

A motion was made by Councilmember Hanna, seconded by Councilmember Larabee, and approved unanimously (Supervisor Benson absent) to authorize the Town Clerk to send a letter on behalf of the Town of New Lebanon accepting the equipment and further to arrange for the removal and transportation of the equipment subject to approval from the Town's insurance carrier and the Columbia County Department of Health with regards to the acceptability of the equipment in a public park, the acceptability of sheering off the equipment and reinstalling with a sleeve installation,

and insurance coverage during transportation and further that the cost for removal and transport not exceed \$2,000.

Columbia Greene Humane Society contract:

Town Clerk Teal asked for authorization to execute the contract with Columbia Greene Humane Society for municipal housing for impounded dogs for the year 2016.

A motion was made by Councilmember Larabee, seconded by Deputy Supervisor Evans, and approved unanimously (Supervisor Benson absent) to authorize the Town Clerk to execute the 2016 contract with the Columbia Greene Human Society for municipal housing for impounded dogs.

Special Year-End Meeting:

The Town Board set the special year-end meeting for Tuesday, December 29, 2015 at 7:00 p.m. at the Town Hall.

LIAISON REPORTS:

Economic Development & Conservation Advisory Council (Councilmember Evans):

No report.

Highway Department (Councilmember Hanna):

No report.

Town Property & Assets (Supervisor Benson):

No report.

Zoning, Planning, Code Enforcement (Councilmember Gerald):

No report.

Town Assessment Office (Councilmember Evans):

Cynthia Creech reported that in the Assessor's Office they are starting into exemption season (renewals and new applications); the deadline for filing for or renewing exemptions is March 1st.

Education, Recreation, Historian: (Councilmember Larabee):

No report.

Security, Fire, Law Enforcement (Councilmember Larabee):

Councilmember Larabee reported that the LVPA had their elections last night; most of the officers stayed the same except for the secretary. The new secretary is Eugena Browning.

Justice Court/Constable (Councilmember Gerald):

Judge Nevers addressed the town board regarding the changes in their department with the election. Cynthia Creech will be the new Court Clerk to replace Tistrya Houghtling and they are hiring a new Deputy Court Clerk replace; they are asking for an overall budget neutral adjustment to the court accounts. They are moving \$500 from contractual expenses and \$500 from equipment for a total of \$1,000 into the Deputy Court Clerk personal services account. Judge Nevers also asked the board to approve their choice for Deputy Court Clerk, Rebecca Rothrock and her compensation at a rate of \$10.00 per hour for training through December 31st and \$12.25 per hour as of January 1st.

A motion was made by Councilmember Larabee, seconded by Councilmember Hanna, and approved unanimously (Supervisor Benson absent) to appoint Rebecca Rothrock as Deputy Court Clerk at a rate of \$10.00 per for training through December 31st and at a rate of \$12.25 per hour beginning January 1st per the request and recommendation of Judge Nevers and Judge Byrne.

BUDGET AMENDMENT:

Amendment # 7 of 2015:

General Fund:

\$500	from A-1110.2 (Justice Court: Equipment)
\$500	from A-1110.4 (Justice Court: Contractual Expenses)
\$1,000	to A-1110.14 (Justice Court: Deputy Clerk Personal Services)
\$970	from A-1990.4 (Contingency)
\$133	from A-1410.4 (Town Clerk: Contractual Expenses)
\$250	from A-1330.2 (Tax Collector: Equipment)
\$478	to A-1330.4 (Tax Collector: Contractual Expenses)
\$190	to A-1650.4 (Central Communications: Contractual Expenses)
\$133	to A-1670.4 (Central Printing: Contractual Expenses)
\$552	to A-7310.4 (Youth Programs: Contractual Expenses)
\$72	from A-1603 (Registrar)
\$72	to A-4020.4 (Vital Statistics: Contractual Expenses)

Highway Fund:

\$7,534	from DA-5130.4 (Machinery: Contractual Expenses)
\$1,401	to DA-5110.4 (General Repairs: Contractual Expenses)
\$6,133	to DA-5142.4 (Snow Removal: Contractual Expenses)

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

AUDIT OF BILLS:

**General Nos. 354 through 384, in the amount of \$52,931.02; and
Highway Nos. 167 through 176, in the amount of \$17,412.63;
As listed on Abstract # 12 of 2015, dated December 9, 2015.**

A motion was made by Deputy Supervisor Evans, seconded by Councilmember Larabee, and approved unanimously (Supervisor Benson absent) to pay the above noted claims from their respective accounts excepting General Voucher No. A-362 payable to Fingar Insurance (2016 bill) and with General Voucher No. A-364 payable to General Code Publishers in the amount of \$2,644.81.

OTHER:

Donations from Berlin Central School District:

Town Clerk Teal reported that in addition to the playground equipment donation discussed earlier, the Berlin Central School District, through Scott Larabee, Recreation Commission Chair, donated twelve cafeteria style tables for the pavilion to replace our

deteriorating ones. These “new” tables, combined with the picnic tables made by Malcolm Larabee provide seating for over two hundred people not counting the children’s tables Mr. Larabee made.

ANNOUNCEMENTS (of activities or events):

December:

Tuesday, December 29th ~ Special Year End Town Board Meeting at 7:00 p.m. at Town Hall

January:

Monday, January 4th ~ Special Annual Organizational Meeting at 7:00 p.m. at Town Hall

PRIVILEGE OF THE FLOOR:

Rocky Brown addressed the town board noting that he wanted to personally thank the two board members who are stepping down for their time of service and the admirable job they did while they were sitting and representing us on the board [applause from the audience].

Jagat Pandey addressed the town board stating that he wanted to second what Rocky Brown said. Also, he offered the sign at his property to post information on all of the good things that are happening in the town; that way all of the citizens will be informed of all the good things the board is doing.

Jennifer Kelly addressed the town board stating that she wanted to piggyback on what Rocky Brown said. Thank you. She is new to the whole town board environment; it should be interesting every month now. Thank you so much and she looks forward to coming again next month and on the 29th.

Mary Young addressed the town board noting that she thinks everyone had the same idea; she wanted to thank them all very much. She thinks that sometimes in our discussions and all we forget being an American is a privilege and not a right. This is the most basic experience of that and we need to be very proud and we are very proud that you are willing to take the time and the energy and the effort to sit up there and guide us and lead us and hopefully you will consider coming back and doing it again. We need to thank you very much, all of you [applause from the audience].

Mark Baumli, Councilmember-elect, addressed the town board stating that he is concerned with the land conservancy; he knows the development rights to the Benson farm were recently sold and he believes Fairweather Farm is looking at selling their development rights. He has no problem with land conservancy, he thinks we should conserve our land but he does have a concern about the amount of road frontage that is being removed from developable land. If the development of all of the road frontage is taken away, we are only left with large developments with long private roads and five or more acre parcels. The one and two acre road frontage parcels are being lost to land conservancy. Maybe we should look at restricting conservancy to a certain distance off the road to protect the development of the small properties along the town roads.

Cynthia Creech noted that in her particular case, she had the “farmer affordability” placed on her land so not only could it not be developed but it would absolutely have to be sold for a farm. It will not ever, it will be written into the deed, it will not ever be developed and it will be sold at farming prices.

Rocky Brown addressed the town board noting that he thinks we have to be careful about becoming one big conservancy in this town. He noted the old Oldenberg Farm had about ten or fifteen buildable lots that were lost to the conservancy. If we continue on, we will not have any property that is buildable or to bring any other industry in or whatever. We are not making any more land; he has children growing up and he hopes they will relocate in New Lebanon. If they cannot buy property, they are not going to be building in New Lebanon and he is concerned about it. How can we keep the next generation of our people in this community?

Judy Zimmer addressed the board stating that with the tendency to develop and overdevelop in our country, she feels that there may come a day when we are very grateful that we have so much conservancy and protected lands.

Greg Hanna, Planning Board Member, addressed the board noting he is also involved with the Comprehensive Plan and the Zoning Re-write Committee. He stated that what we are really looking for is balance; we are not here to prevent people from building and we do not want to kick farmers out and we do want to preserve the nature of our rural community. They are all valid points and we want to weigh them all like we are right now.

Deputy Supervisor Evans stated in closing that 2015 brought us a lot of change in town; we lost Bruce Baldwin who probably was one of the most tenured local political figures and those are some big shoes to fill. We also lost Mark Sheline, Sr. from the fire company, the Planning Board, another big set of shoes to fill. The election was a challenging election for both sides but the one common ground is that everybody wants to do well for the town. If we just take a step back, that is the common goal that we share and that is why everyone is here tonight – the common goal to move the town forward. Deputy Supervisor Evans thanked everyone and then thanked Councilmembers Larabee and Hanna for their service.

ADJOURNMENT:

A motion was made by Deputy Supervisor Evans and seconded by Councilmember Hanna to adjourn the meeting at 8:05 p.m.

Respectfully submitted,

Colleen Teal
New Lebanon Town Clerk