

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

Present: Michael Benson, Supervisor
Matthew Larabee, Councilmember
Irene Hanna, Councilmember

Absent: Chuck Gerald, Councilmember
Dan Evans, 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
Kevin Smith, Ethics Board
David Farren, CAC Member
Sharon Moon, Town Historian
Steve Oberon, LVHS
Ed Godfroy, LVPA
Gregg Gilliland, LVPA President
Bobby Waters, LVPA
Ben Wheeler, LVPA Fire Chief
Mary Young, LVPA
Pete McCagg, McCagg Construction
Thaddeus Flint, Reporter for *The Eastwick Press*
Gail Heinsohn, Reporter for *The Chatham Courier*
Ellen Gaydos, Reporter for *The Columbia Paper*
Several members of the public

CALL TO ORDER:

The meeting was called to order at 7:04 p.m. by Supervisor Benson. A moment of silence was followed by the flag salute.

MINUTES:

Town Clerk Teal noted that there is a correction on the Regular Monthly Meeting Minutes for July 14, 2015: on page 5, under **Noise Ordinance – July 28, 2015**: the last sentence says the workshop is scheduled for Tuesday, August 28, 2015; this should be Tuesday, **July** 28, 2015.

The minutes of the **July 14, 2015 Public Hearing on the Proposed Local Law Amending §179-3 of the Town of New Lebanon Subdivision Law Concerning the Boundary Line Adjustments and Mergers of Parcels**; the **July 14, 2015 Public Hearing on the Proposed Local Law Amending Specified Sections of Chapter 189 (Telecommunications Facilities) of the Town of New Lebanon**; and the **July 14, 2015 Regular Monthly Meeting** (as corrected) were reviewed.

A motion was made by Supervisor Benson, seconded by Councilmember Larabee, and passed unanimously to accept the **April 14, 2015 Regular Monthly Meeting** minutes as corrected and the rest of the above noted minutes as typed.

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 Larabee, seconded by Councilmember Hanna and approved unanimously (Councilmember Evans and Geraldini 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 Courts:

Supervisor Benson stated he was not clear where we are on this; why we have not advertised. Town Clerk Teal noted she did not receive the scope in time to publish the notice. She noted Attorney Howard reviewed what they came up with on the scope of work so the only thing she needs now are new dates. The pre-bid meeting was set for Friday, September 11th; the bids were set to be due on Friday, September 18th; and there was a tentative special meeting scheduled but that was not included in the bid notice. Supervisor Benson said that we are moving out a month basically. Town Clerk Teal confirmed yes. Supervisor Benson noted he is not sure what the advertising requirement is. Town Clerk Teal noted if she submits everything tomorrow, it will be published next week so we could do the October meeting. Supervisor Benson asked if the Town Clerk was all set with the scope and she confirmed she was.

The board set the new dates as follows:

Pre-bid meeting: September 25th at 9:00 a.m. at the tennis courts

Bids due: October 2nd by 5:00 p.m. in Town Clerk's Office

Bids will be considered: October 13th at the Town Board Meeting

Designation of the Wyomanock Creek as an Inland Waterway:

Resolution # 19, 2015 ~ Petition to the State of New York to Designate the Wyomanock Creek as an Inland Waterway

The following resolution was proposed by Councilmember Larabee and seconded by Councilmember Hanna:

Petition to the State of New York to Designate the Wyomanock Creek as an Inland Waterway

WHEREAS, the Wyomanock Creek originates in Massachusetts, flows through Stephentown, NY in Rensselaer County, and into Columbia County where it enters New Lebanon. On its journey, the Wyomanock follows the “corkscrew line” of the old Rutland Railway bed, runs into and through New Lebanon’s Shaker Swamp and on to the Kinderhook Creek, which ultimately joins the Hudson River. Residents of Stephentown and New Lebanon recently organized the Corkscrew Rail Trail Assoc. in a project to revitalize 2.5 miles of a long defunct route which once stretched nearly 60 miles from Chatham, NY to Bennington, Vt. In the 19th century the Lebanon Springs Railroad began and in 1901 became part of the larger Rutland Railroad, carrying some passengers but primarily was the “milk run” transporting milk from the Vermont dairies to metropolitan New York City. Reviving this route as a recreational trail will greatly benefit New Lebanon economically, as the Harlem Valley Rail Trail has benefitted Millerton, NY, but contributes to the health and welfare of all involved. The first leg of the Trail opened in June of 2015 and Association members continue to expand to ultimately join the Harlem Trail in Chatham and possibly The Delaware & Hudson Rail Trail north in Salem, NY. This Trail will bring much needed low impact visitors to New Lebanon, will improve the economy of our small town and will give new life to an historic part of the Lebanon Valley. The Wyomanock Creek, which contributed the flat terrain for the rail bed, runs along the Trail and is inseparable from this historic and beautiful Lebanon Valley; and

WHEREAS, the Wyomanock flows into and out of the iconic Shaker Swamp in the heart of New Lebanon. Once the hunting grounds for the Mohican Tribe, later drained by the Shaker community to farm and now, dammed by beavers to recreate the Swamp and make a home for many rare species of animals and plants, the Shaker Swamp is considered one of the gems of New York and the Wyomanock remains a vital part of it. The Shaker Swamp Conservancy has worked for years to create a base ensuring the survival of the Swamp and recently purchased several parcels or easements within the privately owned Swamp property with the additional goal of building a boardwalk, similar to the one at Lewis Swyer Preserve in Stuyvesant, which will attract more low impact visitors to New Lebanon to see, appreciate and study this truly remarkable natural resource. The Wyomanock is an integral part of the Swamp and funding from the Waterway Program will be necessary to ultimately reach the goal of saving the Wyomanock Creek, the Shaker Swamp and, indeed, the town of New Lebanon; and

WHEREAS, the Wyomanock Creek plays a critical role in our local economy and environment, as well as for recreation, and

WHEREAS, designation of the Wyomanock Creek as an “Inland Waterway” makes the New Lebanon community eligible to participate in New York’s Coastal and Inland Waterways Program. Grants offered pursuant to the Environmental Protection Fund would become available to the community to develop and

implement revitalization programs in the area adjacent to the Wyomanock Creek and will foster the beneficial use of the waterfront.

NOW, THEREFORE, BE IT RESOLVED, that the New Lebanon Town Board hereby petitions the State of New York to include the Wyomanock Creek in the definition of Inland Waterways for the purpose of waterfront revitalization.

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

Roll Call Vote:

Supervisor Michael Benson	Aye
Councilmember Irene Hanna	Aye
Councilmember Dan Evans	Absent
Councilmember Charles Gerald	Absent
Councilmember Matthew Larabee	Aye

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.

Letter to Senator Kathleen Marchione re: NYS Coastal and Inland Waterways Program:

A motion was made by Councilmember Larabee, seconded by Councilmember Hanna and unanimously approved to authorize the Town Supervisor to execute and submit the following letter:

Dear Senator Marchione:

Please accept this letter, on behalf of the Town of New Lebanon, New York, as the Town's request to designate the Wyomanock Creek as an Inland Waterway in the State's Coastal and Inland Waterways Program. I ask that the definition of "inland waterways", for the purposes of waterfront revitalization, be expanded and amended to include the Wyomanock Creek.

Enclosed you will find a Resolution passed by the New Lebanon Town Board on September 8, 2015. The Resolution sets forth the Board's approval of the designation and a synopsis of the contributions inclusion in the program will create for the Town's future economic development.

Your review of our Resolution, as well as drafting legislation, and introduction of the bill at session in January would be appreciate. Thank you for your efforts on behalf of New Lebanon and I hope that our petition for designation will meet with success.

Sincerely,

Michael Benson, Town Supervisor

NEW BUSINESS:

Health Insurance Renewal Proposal:

Supervisor Benson noted that he sent the proposal to the board members today; he noted the renewal date is December 1st. Supervisor Benson noted they would come back to this either at the next meeting or at a budget workshop.

Fire Department Building Project Liaison – Report:

No report.

Highway Garage Work:

Highway Roof Bid:

Town Clerk Teal reported the bid notice was published as follows:

NOTICE TO BIDDERS
HIGHWAY GARAGE ROOF REPAIR/RESEALING
TOWN OF NEW LEBANON

NOTICE IS HEREBY GIVEN that the New Lebanon Town Board is seeking sealed bids for the REPAIR OF THE HIGHWAY GARAGE ROOF at 14755 State Route 22. The metal roof is approximately 4,800 square feet. The bid is to include preparation of the roof and application of the sealant. Bids MUST be in a SEALED, PLAIN WHITE ENVELOPE (no logo); marked "HIGHWAY GARAGE ROOF BID;" include a NON-COLLUSIVE BIDDING CERTIFICATION and 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, SEPTEMBER 4, 2015. The bids will be opened at the Office of the Town Clerk at 5:00 p.m. on Friday, September 4th. The Town Board reserves the right to accept or reject any or all bids.

Colleen Teal
Town Clerk
8/24/2015

Supervisor Benson reported one (1) bid was received:

McCagg Construction:

Labor – clean roof substrate, reseal 1480 fasteners with lexel sealant, reseal flashing with lexel sealant, recoat roof with fibered aluminum coating

Roof Coating – Total square feet 5,280 \$8,184.00

The bid included a Certificate of Liability Insurance and a Non-Collusive Bidding Certificate.

Supervisor Benson asked about warranty on labor. Mr. McCagg responded there would be a one (1) year warranty on labor but he noted the problem is the fasteners; it is not the roof itself. It is the 1400 fasteners because the rubber grommets have gone bad over the last sixty years so they need to be caulked.

A motion was made by Councilmember Larabee, seconded by Councilmember Hanna and approved unanimously (Councilmembers Evans and Geraldini absent) to accept the bid from McCagg Construction in the amount of \$8,184.00 with a one (1) year labor warranty.

Supervisor Benson noted he would like to add one thing, he would like to have our insurance carrier review and approve the insurance certificate and he would like to have the attorney draft a simple contract.

LIAISON REPORTS:

Economic Development & Conservation Advisory Council (Councilmember Evans):

Cynthia Creech reported that Supervisor Benson gave her a letter from the Community Projects Manager at the Columbia Land Conservancy that announces a series of events for municipal boards and staff. David Farren noted these events are part of the Living Land Project, a collaborative research and education project of the Hawthorne Valley Farmscape Ecology Program, Hudsonia, and the Columbia Land Conservancy. He noted there is one event here in New Lebanon on Saturday, September 26th from 9:00 a.m. to 12:30 p.m. meeting first at the New Lebanon Library then moving to the Hand Hollow Conservation Area for a *Walk and Talk*. On Monday, September 21st at the Churchtown Firehouse in Claverack there is a presentation on *Conservation Tools for Towns: Natural Resource Inventories and Information*. On Saturday, October 3rd at the Nature Institute in Ghent there a *Full-day Habitat Identification and Conservation Workshop* from 9:00 a.m. to 4:00 p.m.

Highway Department (Councilmember Hanna):

Councilmember Hanna reported that the Highway Department has been continuing with their normal ongoing work. They have been doing grass cutting, road repairs, maintenance as usual.

Town Property & Assets (Supervisor Benson):

No report.

Zoning, Planning, Code Enforcement (Councilmember Gerald):

Zoning Re-Write Committee:

Town Clerk Teal noted Tony Murad reported that the Zoning Re-write Committee met and determined that no changes to the sign law are needed at this time. However, if anyone has an idea or proposal for modifying or changing the sign law, the Zoning Re-write Committee would be glad to meet and discuss and, if warranted, make the proposal to the Town Board.

Town Assessment Office (Councilmember Evans):

Cynthia Creech reported that the Assessor's Office has been working on normal business for this time of year: field review of inventory changes, new photos, etc.; recording, review and validation of sales information which includes review of ORPTS recorded sales and information surrounding those sales (this information is used in creation of the equalization rate and is very important it be accurate); apply new assessments to inventory changes; review of assessments in particular areas of concern and changes if necessary; reviewing lists of mapping/Assessment Roll mismatches (advising County); process mapping changes and apply new assessments as needed; and answering taxpayer questions after School tax bills are sent out. Additional work that is currently in progress: cleaning of property record files, updating and relabeling files, maps 2 and 3 completed; and scanning of all property record file information according to retention record Schedule – progress on this is slow due to field work taking precedence. Ms. Creech noted that we are in a 4 year cycle with the 2015 reassessment being the 1st year, 2016 and 2017 as review and adjustment years, and 2018 as the next reassessment year. By continuously updating and reviewing inventory and analyzing the assessments/market each year and adjusting as needed, the next reassessment will come at a minimal cost. Last, the Assessor is requesting that Dale Ackley be reappointed to the Board of Assessment Review (BAR) for another 5 year term.

A motion was made by Councilmember Larabee, seconded by Supervisor Benson, and approved unanimously (Councilmembers Evans and Geraldini absent).

Education, Recreation, Historian:

Recreation Commission's Ice Cream Social:

Councilmember Larabee reported that the Recreation Commission is hosting an Ice Cream Social on Sunday, September 13th from 1:00 p.m. to 3:00 p.m. at Shatford Park Pavilion. Make your own Sundae and music provided Chasin' Grace.

Lebanon Valley Historical Society ~ Lebanon Valley Heritage Day:

Councilmember Larabee reported that the Lebanon Valley Historical Society is having a pulled pork dinner at the Shatford Park Pavilion on Saturday, September 26th at 4:00 p.m. The pulled pork is being prepared by Mike Slattery and donated by the Unity Lodge # 9, Free and Accepted Masons, to benefit the work of the LVHS in maintaining the Columbia Hall Sycamore Tree and stabilizing and restoring the Columbia Hall Spring House. Admission is free but people are asked to obtain a ticket so they may keep an eye on how much pork they have enough food. The tickets will be available from September 7th through September 21st at the Town Hall, the New Lebanon Library and the Heritage Center. Those attending are asked to bring a side dish to share. The LVHS will provide beverages and dessert.

Cemetery Clean-up/Revolutionary War Soldier's Graves:

Councilmember Larabee reported he was approached today by a gentleman that used to live in town, George Clark. He and Dale Ackley have been going around trying find Revolutionary War soldier's graves. Sharon Moon, Town Historian, had given him some maps and directions. Mr. Clark was up in Saranac Lake and he found out there is grant money available to revitalize cemeteries. Councilmember Larabee believes it is the same grant that was used to revitalize the cemetery in Brainard on Route 20. Sharon Moon noted the grants are for abandoned cemeteries. Councilmember Larabee will follow up will Dave Fleming and Senator Marchione's Office.

[overtalking - unclear]

Security, Fire, Law Enforcement (Councilmember Larabee):

LVPA:

Supervisor Benson noted to Ed Godfroy, LVPA, that in follow up to the meeting that was had with the LVPA's accountant, he was supposed to receive something the following week and he has not seen anything yet. Mr. Godfroy said he would check on it.

Justice Court/Constable (Councilmember Geraldini):

No report.

Other:

Condition of State Roads:

Highway Superintendent Jeff Winestock asked if there is any way to see if there is a procedure to go through to get the state roads fixed; we want people to come to New Lebanon and visit. Supervisor Benson noted that a portion of Route 22 is about to be re-paved but that is not the worst part of it. Supervisor Benson said Dean Knox who is in the engineering department at the County came up with something last month that he

thought was a really good idea. Supervisor Benson said he knows a little bit about this because he is in the construction business but the reason we are having problem with highway funding and bridge funding and all of that is because it is federal. Most of the funds that come to the town are coming from the federal government and we do not have a long-term highway bill. It is a huge issue; it is a huge issue for every town, every city, every state in the country but that is the root of the problem. The reason we don't have a highway bill, he believes, is because Congress cannot approve an increase to the gas tax. The gas tax is predominantly how these things get funded. So, it was suggested at a Public Works Committee meeting at the County last month that the County consider imposing their own gas tax to better fund their highways and their bridges. He noted he does not know if the County can legally do it or not but it was discussed. He also noted that on the news this morning, the Town of Lee, Massachusetts, is trying to do it just in the town.

BUDGET AMENDMENT:

Amendment # 5 of 2015:

General Fund:

\$440.88	from A-1990.4 (Special Item: Contingent)
\$300.08	to A-1680.4 (Central Data Processing: Contractual Expense)
\$140.80	to A-1910.4 (Special Item: Unallocated Insurance)

Highway Fund:

\$16,318.83	to DA-3501 (Revenue: State Aid: CHIPS)
\$16,318.83	to DA-5112.2 (Improvements: Capital Outlay (CHIPS))

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

AUDIT OF BILLS:

**General Nos. 267 through 297, in the amount of \$56,896.04; and
Highway Nos. 129 through 141, in the amount of \$41,418.81;
As listed on Abstract # 9 of 2015, dated September 8, 2015.**

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

ANNOUNCEMENTS (of activities or events):

September:

Sunday, September 13th ~ Recreation Commission's Ice Cream Social at Shatford Park from 1:00 p.m. to 3:00 p.m.

Saturday, September 26th ~ LVHS Heritage Day at Shatford Park at 4:00 p.m.

October:

Tuesday, October 13th ~ Town Board Regular Monthly Meeting at 7:00 p.m. at the Town Hall

PRIVILEGE OF THE FLOOR:

Kevin Smith addressed the town board regarding the **signage on County Route 5**. Mr. Smith noted that the new signage was installed but it is small and there are still a lot of u-turns on Mill Road, the parking lots, etc. He asked if they could put up a better sign heading west saying "County Route 5 – Next Left."

Mike Pavelock addressed the town board regarding **Covenant Circle Road**; he said he has been trying to kind of keep track of what is going on with that. There has not been much posted beyond a while back so he did not know if there had been any progress or if there was any new information. Supervisor Benson stated there is nothing to report on the town's side, the ball is really in the court of the Covenant Circle Homeowner's Association.

ADJOURNMENT:

A motion was made by Councilmember Larabee and seconded by Councilmember Hanna to adjourn the meeting at 8:02 p.m.

Respectfully submitted,

Colleen Teal, New Lebanon Town Clerk