

**MINUTES OF THE REGULAR MONTHLY MEETING OF
THE TOWN BOARD OF THE TOWN OF NEW LEBANON
HELD ON NOVEMBER 13, 2018**

Present: Colleen Teal, Supervisor
Kevin Smith Sr., Councilmember
Jesse Newton, Councilmember
Mark Baumli, Councilmember
Norman Rasmussen, Councilmember

Recording Secretary: Tistrya Houghtling, Town Clerk

Others Present: Hazel "Cissy" Hernandez, CEO/ZEO/Bldg Dept Admin
Jeff Winestock, Highway Superintendent
Jeff Hattat, Deputy CEO/Deputy ZEO
Ted Salem, ZBA & ZRC Member
Cynthia Creech, Court Clerk & CAC Member
Bob Smith, Planning Board Member
Judy Zimmer, NL Rep to CC Office for the Aging
David Farren, CAC & ZRC Member
Thaddeus Flint, Reporter for the Eastwick Press
Several members of the Public

CALL TO ORDER:

The meeting was called to order at 7:02 p.m. by Supervisor Teal. A moment of silence was followed by the flag salute. Supervisor Teal pointed out the emergency exits.

MINUTES:

The minutes of the **October 9, 2018 Regular Meeting; October 15, 2018 Special Meeting; October 16, 2018 Special Meeting; October 18, 2018 Special Meeting; October 25, 2018 Special Meeting; October 29, 2018 Public Hearing on 2019 CRS Contract;** and the **October 29, 2018 Special Meeting** were reviewed. A motion was made by Councilmember Smith, seconded by Councilmember Newton and approved unanimously to accept the above noted minutes as typed.

FINANCIAL:

Supervisor's Report:

Supervisor Teal provided the public and TB members with a copy of the Supervisor's Report as of October 31, 2018. A motion was made by Councilmember Smith, seconded by Councilmember Rasmussen and approved unanimously to accept the Supervisor's report as typed.

PRIVILEGE OF THE FLOOR:

Cynthia Creech stated that she noticed in the newsletter and on the website that it has gone to just town business or activities. She asked if that is just in New Lebanon or if it is in the county or where that regulation is coming from. Supervisor Teal stated that it is a state requirement and there is a provision for tourism and some promotional aspects and

funding that we can do for that. We are trying to figure out how to work with that instead of through the newsletter. Cynthia Creech stated that the Town of Hillsdale has a section on their website that shows businesses and a section that shows the farmers market. She said that perhaps the state hasn't gotten to Hillsdale.

Christine Dreyfus stated that the latest bulletin of the AARP has an article about our own Cynthia Creech with a beautiful picture and everybody ought to know that it is here. It went out all across the country.

Jeff Winestock stated that he thinks it is a shame that DOT put the new Stewart's through what they put them through and made the entrance and exit be one way and barely wide enough for one vehicle. They have to have fuel tanks and tractor trailers come in and out of there. He thinks it is very dangerous the way DOT made them set up the entrances and exits. He thinks we are going to be looking at a lot of accidents because of the way DOT made them set it up. He hopes he is wrong.

Jagat Pandey stated that he wants to congratulate Tistrya Houghtling on a race well run! He would like to see more young people getting involved in politics and thinks that all the older people should support our youth getting involved.

BIDS: Attorney for the Town:

Supervisor Teal stated that we received no bids for legal services and asked Town Clerk Houghtling to include the following bid notice in the minutes:

NOTICE TO BIDDERS
LEGAL SERVICES – ATTORNEY FOR THE TOWN
TOWN OF NEW LEBANON
COUNTY OF COLUMBIA

NOTICE IS HEREBY GIVEN that the NEW LEBANON TOWN BOARD is seeking bids for legal services for 2019 and an Attorney or Law Firm to serve as the Attorney for the Town. Please submit bids as an annual retainer rate and as an hourly rate.

Please include your experience with municipalities and list any other towns you now serve or have served in the recent past as the Attorney for the Town.

Sealed bids must be in a PLAIN WHITE ENVELOPE with "Legal Services" written on the front 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, P.O. Box 328, New Lebanon, New York, no later than 4:00 pm on Friday, November 9, 2018. Bids will be opened at the Office of the Town Clerk at 4:00 p.m. on Friday, November 9, 2018 and will be considered by the New Lebanon Town Board at the regular monthly meeting on Tuesday, November 13, 2018 to be held at the New Lebanon Town Hall at 7:00 p.m. Electronic and faxed bids will not be accepted. The Town Board reserves the right to reject or accept all bids.

OLD BUSINESS:

Lindig Remediation:

Supervisor Teal stated that we have an email from CEO/ZEO Cissy Hernandez. She is asking for the Town Board to weigh in on the plan that Cissy put together.

Councilmember Baumli stated that he would like to get something in writing from Mr. Lindig stating that he plans to begin the property clean-up in May and documenting what steps he will be taking in May to clean it up, instead of just having that commitment verbally. To put the process on hold until May is not acceptable to him. He is okay with the timeline of the proposed clean up as long as it is in writing. Cissy Hernandez stated that her view on it is that he gave her a gentleman's promise and has given her no reason to think that he is going to renege. Councilmember Smith stated that he agrees with Councilmember Baumli. He would like to see something in writing as well. Mr. Lindig agreed to put in writing his plan to clean up the property starting in May and get it to Cissy Hernandez.

Supervisor Teal made a motion to authorize CEO/ZEO Hernandez to develop an agreement that she and Mr. Lindig are acceptable to that puts in writing that the process is going to be worked on to the extent possible with the weather but will begin significantly in May of 2019. Councilmember Newton seconded that motion.

Roll Call Vote:

Councilmember Rasmussen -	Aye
Councilmember Smith -	Aye
Supervisor Teal -	Aye
Councilmember Newton -	Aye
Councilmember Baumli -	Aye

PESH/Highway Fuel Tank Project Update & Funding:

Supervisor Teal asked Councilmember Smith if we have a ballpark on this project as far as pricing. Councilmember Smith stated that he is waiting on prices for the slab. We do have the price on the fuel tank. It is \$7,076. Supervisor Teal stated that this project we do not have funding for yet and we have not allocated funding. In her mind she was thinking around \$20,000 or \$25,000. She asked if that seems reasonable. Councilmember Smith stated that we should be able to do it for that. He stated that Engineer McCreary just sent him the specs on it so he will get together with Randy Hatch to get the price for the electrical and as soon as Bill Banker and Pete McCagg get back to him, we will get started with doing the slab. Supervisor Teal stated that her recommendation would be that we take it from the unallocated funds, our surplus. She stated that after the adjustments based on the funds we are taking for the 2019 budget, assuming that is approved tonight for the 2019 budget, under general we will still have \$534,075 so if we took \$20,000 to \$25,000 from that we would still be above \$500,000. As long as the board is okay with that and we know where we are funding it from, we can wait to do the actual transactions until we have a better idea of what the amount is. She asked if the board has any concerns with that. Councilmember Smith stated that sounds good to him.

Pavilion Contract Add -Ons:

Supervisor Teal stated that we approved the payment of the main part of the project. There is now a change order for the project increasing the amount by \$750 which will be \$25,840 total for the project. Councilmember Smith stated that Engineer McCreary stated that is an awesome price. Potentially it could have been over \$2,000. Supervisor Teal stated that we had to do the add-ons to move forward with the project. Councilmember Smith stated that they came out awesome. The new sidewalks around the pavilion are beautiful. Nice and even with the floor.

Supervisor Teal made a motion to approve change order number 1 for the Weisbuch Pavilion Sidewalk/Apron Replacement Project, increasing the amount by \$750 for a total project cost of \$25,840. Councilmember Newton seconded that motion.

Roll Call Vote:

Councilmember Rasmussen -	Aye
Councilmember Smith -	Aye
Supervisor Teal -	Aye
Councilmember Newton -	Aye
Councilmember Baumli -	Aye

Newsletter/Tourism - Attorney:

Supervisor Teal stated that she reached out to Attorney Tuczinski to see if he could have a proposal for the December meeting for the newsletter/tourism type thing we are trying to do. He seemed to think that was feasible.

Flag Project: Funding/Removing Flags & Banners:

Supervisor Teal stated that the town was going to work with J.J. Smith on the flag project. She asked J.J. Smith if she knows where she is at for donations. J.J. Smith stated that right now they have \$200 in donations saved up for the next batch of flags. She stated that in Spring of 2019 they are going to downsize just a little bit and put all the full size flags that they have now on the main strip because they are taking such a beating and we have had 4 sets stolen. They are going to go down one size. They will hold up better and be less expensive. Supervisor Teal stated that our agreement was to match the donations up to \$500. J.J. Smith stated that they are hoping to do that by the 1st or around there. Supervisor Teal stated that the town has funded another \$500 match for 2019. We have the money in the budget for 2018 but if we don't spend that by December 31st, it goes away.

It was decided that J.J. Smith would fundraise as much as possible in the next month and purchase as many flags as possible before the end of the year. Supervisor Teal stated that the latest we could do is the year end meeting at the end of December. That is the last meeting for all the final vouchers. Let's process at the year end meeting for the final, we will match whatever she has at that point and then we know we have more funding in 2019.

Supervisor Teal stated that Consolidated has said they cannot take down the flags and banners as they are too busy. Councilmember Smith stated that if Donnie Sears will climb the ladder, he will drive. Supervisor Teal stated that she doesn't want them up all

winter because it will destroy the flags and banners. Councilmember Smith stated that they will take care of it.

Judy Zimmer asked if we can reuse or recycle the NL 200 banners. Ted Salem stated that he believes the plan was to give the ones that are in good shape to the NL 200 donors. Once we know how many are in good shape, we will let the NL 200 committee know so they can take care of offering them to the donors. The ones that are beat up could be reused or recycled. Judy Zimmer will work on finding people who want to reuse them. Cynthia Creech stated that we should put one up at the Town Hall that is in good shape.

CRS Response Time:

Supervisor Teal stated that there was a question at a past meeting as to what the response time is for Chatham Rescue Squad to New Lebanon. When Chatham Rescue Squad did a report for the whole town of New Lebanon, the average response time was 10 minutes. When they did a report just for the 12125 area code, it was 13 minutes. Her assumption is when you include addresses like Old Chatham and East Chatham that are somewhat closer, the time comes down to 10 minutes.

NEW BUSINESS:

2019 Town Insurance Policy:

Supervisor Teal stated that she sent the proposal to the town board. She asked if anybody had any questions or concerns. Nobody spoke. She stated that we did purchase the terrorism coverage last year after speaking with the Attorney. That is \$355. She stated that we opt out of the cyber coverage because the processes that we use right now, we don't have data that is protected that is at risk. The only thing that is online is the hunting licenses and that is through DEC and is the state's responsibility. We do take credit cards but we specifically went with a company that does not capture the data so there is no risk on that. She asked about the uninsured/underinsured but it is a requirement in New York State.

Supervisor Teal stated that if you look at the pricing and take out the data compromise and the cyber, that gives us a new total of \$22,299. When you add in the \$777 for the rider for the wrap plus crime for governmental entities and the \$172 for the estimated taxes and fees, the total is \$23,248.

Councilmember Rasmussen made a motion to accept the insurance quote of \$23,248 and to authorize Supervisor Teal to execute any necessary documents. Councilmember Newton seconded that motion.

Roll Call Vote:

Councilmember Rasmussen -	Aye
Councilmember Smith -	Aye
Supervisor Teal -	Aye
Councilmember Newton -	Aye
Councilmember Baumli -	Aye

Adoption of 2019 Town Budget – Court Change Request:

Supervisor Teal stated that there was a last minute request from Judge Byrne asking to re-allocate some of the funds in her budget to bring the Court Clerk from 18 hours a week up to 20 and the Deputy Court Clerk from 32 hours a week down to 30 and to transfer the difference of \$222 from their .4 account. She stated that she is inclined to approve it as not changing their total budget at all. She asked if any town board members are opposed to this. Nobody spoke. She stated that will make an amendment on page 1 of the budget. Account A-1110.13 (court clerk) would go from \$14,630 to \$16,256. Account A-1110.14 (deputy court clerk) would go from \$22,464 to \$21,060. Account A-1110.4 (contractual expense) would go from \$5,000 to \$4,778. Those same changes would be made in the back under proposed compensation.

Supervisor Teal made a motion to approve the 2019 Town Budget with the adjustments to the Court budget lines as noted above. Councilmember Rasmussen seconded that motion.

Roll Call Vote:

Councilmember Rasmussen -	Aye
Councilmember Smith -	Aye
Supervisor Teal -	Aye
Councilmember Newton -	Aye
Councilmember Baumli -	Aye

Resolution: Compensation Plan:

Supervisor Teal stated that this takes the first part of what we have done, setting up the positions into grade levels and starting rates. She separated them into two tables, one with appointed positions and one with elected positions. The appointed positions we have already gone through in detail. The elected positions we did not. She does not know how the board wants to deal with the Supervisor position. Any of these we can change to “to be determined”. She stated that the supervisor position, judges positions and tax collector, she believes are the ones in question for starting rates, not for current people in those positions.

Councilmember Baumli stated that he would be more comfortable if the supervisor and judges positions were “to be determined” for now as we don’t know what the next supervisor will want to work as far as hours and duties and we don’t know yet what the impact the moving of the state police barracks is going to have on the court. Councilmember Newton stated that he agrees with Councilmember Baumli.

TOWN OF NEW LEBANON

RESOLUTION #26, 2018

COMPENSATION PLAN – PART 1

NOVEMBER 13, 2018

At the regular monthly meeting of the New Lebanon Town Board, held at the New Lebanon Town Hall, 14755 NYS Route 22, New Lebanon, New York, duly called and held on the 13th day of November 2018, the following Resolution was proposed and seconded:

Resolution by Supervisor Teal
 Seconded by Councilmember Rasmussen

COMPENSATION PLAN [Adopted 11-13-2018.]

Purpose; applicability.

To establish a comprehensive compensation plan for the employees of the Town of New Lebanon based on the duties and responsibilities of each position.

Grade Levels & Starting Rates:

1. Appointed Positions: Grade levels and Starting rates:

Position	Grade Level	Starting Rate	Notes
Assessor	1	\$25,000	In-house reval: annual stipend \$1,600
Highway MEOs	2	\$18-25/hr	
Code Enforcement Officer (CEO)	2	\$25/hr	\$25/hr if already certified
Deputy CEO	2	\$18-20/hr	\$20/hr when certified
Zoning Enforcement Officer (ZEO)	3		Currently CEO has duties
Deputy ZEO	3		Currently Deputy CEO has duties
Land Use Administrator	3		Currently CEO has duties
Deputy Town Clerk	3	\$14/hr	
Court Clerk	3	\$14.50/hr	
SYP Camp Director (seasonal)	3	\$8,500	Per season – 8 wk program: includes program & prep (permit, program plan, training, etc.)
Animal Control Officer (ACO)	3	\$25/hr	
Constable	3	\$18-20/hr	\$20/hr if registered peace officer
Park Maintenance Superintendent (seasonal)	4	\$13.50/hr	
Building Maintenance	4	\$13.50/hr	
Deputy Court Clerk	4	\$13.50/hr	

Assistant Camp Director (seasonal)	4	\$15/hr	
Aquatics Director (Camp-seasonal)	4	\$20/hr	
Planning/Zoning/Building Clerk	5	\$13/hr	
Assessor's Clerk	5	\$13/hr	
Park Maintenance Staff (seasonal)	5	\$12/hr	
SYP Staff**(seasonal)			
Counselors	5	\$10-14/hr	.15¢ for each approved certification; .15¢ for each year worked @ program
Lifeguard	5	\$20/hr	
Water Safety Aide	5	\$10-14/hr	
Counselors-in-Training (CITs)	X	\$7/hr	

2. Elected Officials: Grades levels and Starting rates:

Position	Grade Level	Starting Rate	Notes
Supervisor	1	TBD	20 hrs/wk @ \$25/hr; includes bookkeeper & HR duties (also receives \$14k & Health Ins. from County)
Town Board – As a whole	1	\$16,000	\$4,000 each
Highway Superintendent	1	\$50,000	
Town Clerk	2	\$35,000	
Judges	2	TBD	Evaluate changes in court as State Police Barracks moves to Chatham
Tax Collector	3	TBD	
Town Board Individually	5	\$4,000 ea	

Adjustments to rates:

1. Starting rates will be evaluated at least every three (3) years and adjusted as needed;
2. Adjustments to only one position will be made only when appropriate based on changes in duties for the position;
3. All positions should be adjusted as needed and re-evaluations of the long-term program will be done to preserve the plan;
4. If cost-of-living adjustments (cola) are applied, the compensation base rates and established ranges will be adjusted accordingly (base rates and cap rates will be adjusted at the same rate as the cola).

Additional Components of Plan to be developed:

1. Range of compensation for all positions;
2. Merit based evaluation form(s); results needed to attain a merit increase; amount of merit increase;
3. Detailed job descriptions for all appointed positions;
4. Process for addressing elected positions;
5. Consideration of health insurance for retirees after a specified period of continued service.

Additional Resolutions and Laws related to Personnel Policies:

Approved Travel Policy
Code of Ethics
Data Breach Notification Policy
Defense & Indemnification
Key Policy
Personnel Policies
Sexual Harassment Policy
Workplace Violence Prevention Policy

NOW, THEREFORE, BE IT RESOLVED by the New Lebanon Town Board that this Compensation Plan is adopted by the Town.

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

Roll Call Vote:

Councilmember Norman Rasmussen	Aye
Councilmember Kevin Smith Sr.	Aye

Supervisor Colleen Teal	Aye
Councilmember Jesse Newton	Aye
Councilmember Mark Baumli	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.

Resolution: Personnel Policies:

Supervisor Teal stated that she took our current policy and amended it based on what the town board had determined. She went over the following proposed changes:

- Page 2 – description of employment – added in sections to define part-time eligible, part-time in-eligible, and temporary
- Page 4 under section B2 – added in wording that part-time eligible employees do not receive paid holidays
- Page 4 under section D2 – added in section to allow part-time eligible employees half the amount of sick and personal time as full-time employees with the same criteria
- Page 5 under section E2 – added in section to allow part-time eligible employees half the amount of vacation time as full-time employees with the same criteria
- Page 5 under section A1 – added in section that only full-time employees currently enrolled in the CDPHP plan with the Town paying the premium or a portion thereof will be eligible to continue with this plan – an alternative plan will be available as an option for these current full-time employees and all other eligible employees
- Page 5 under section A2 – added in section that part-time eligible employees are eligible for health insurance with the Town paying 40% of the employee only premium

Councilmember Smith stated that he wouldn't allow part-time eligible employees to carry over unused sick and personal time. Councilmember Newton stated that he doesn't want to do this portion of the benefits for part-time employees at all.

Councilmember Smith made a motion to not carry over any sick and personal time for part-time employees to the next year. Councilmember Newton seconded that motion.

Roll Call Vote:

Councilmember Rasmussen -	Nay
Councilmember Smith -	Aye
Supervisor Teal -	Nay
Councilmember Newton -	Aye
Councilmember Baumli -	Nay

Councilmember Newton stated that part-time employees working 20 hours per week are only working half the time of 40 hour per week employees and are getting half the benefits, he doesn't think that makes sense. They are getting the same per hour benefit as a full-time employee. Bob Smith stated that part-time employees only get hired as part-time because the employer doesn't have enough hours for them to be full-time. They still need to be taken care of and deserve some sort of benefits because it is not their fault the town doesn't have full-time positions for them. They have to go somewhere else to get another part-time job and they still should get half of what full-time employees get so that

between their two part-time jobs they get the same benefits as everyone else working full-time. It is not the employees fault that the town doesn't have full-time hours for them.

Councilmember Smith stated that he thinks the \$7,000 health insurance buy back is excessive. He asked if anyone has input or an opinion on that. Highway Superintendent Winestock asked how the town pays for a family plan. Supervisor Teal stated \$24,000. Highway Superintendent Winestock stated if the town is only having to pay \$7,000 instead of \$24,000 he thinks the town is way ahead. Supervisor Teal asked if any of the board members have any other questions on any parts of the proposed personnel policy amendments.

TOWN OF NEW LEBANON

RESOLUTION #27, 2018

PERSONNEL POLICIES

NOVEMBER 13, 2018

At the regular monthly meeting of the New Lebanon Town Board, held at the New Lebanon Town Hall, 14755 NYS Route 22, New Lebanon, New York, duly called and held on the 13th day of November 2018, the following Resolution was proposed and seconded:

Resolution by Supervisor Teal

Seconded by Councilmember Rasmussen

PERSONNEL POLICIES

[HISTORY: Adopted 12-13-2004; amended 2-14-2011 & 9-13-2016.]

Purpose; applicability.

This description of employee benefits is presented to all Town and highway employees of the Town of New Lebanon (the "Town") for informational purposes only. This description is not intended to be comprehensive or to address all the possible applications of, or exceptions to, the Town's general policies and procedures governing employee benefits. The Town reserves the right to modify, revoke, suspend, or discontinue any of the procedures, practices, policies, and benefits described herein. Moreover, the language used in this description of employee benefits does not confer any contractual right, either expressed or implied, to remain in the Town's employ or guarantee any fixed terms and conditions of employment. Employment with the Town is on a voluntary at-will basis and is not for a specific time, and either the employee or the Town may at any time terminate the employment relationship with or without cause. Finally, some of the benefits described herein are covered in more detail in Town policies and procedures or written insurance policies and/or plan documents. This description of employee benefits is only designed as a brief guide and summary of policies and benefits.

Equal employment opportunity policy.

The Town is committed to equal employment opportunities for all. Employment and promotion are based upon personal capabilities and qualifications without regard to race, color, religion, sex, age, national origin, disability, sexual orientation, genetic predisposition or carrier status, marital status or any other protected characteristic as established by law.

This equal opportunity policy applies to all terms and conditions of employment.

Americans With Disabilities policy statement.

The Town is committed to complying with all applicable provisions of the Americans with Disabilities Act ("ADA"). It is the Town's policy not to discriminate against any qualified employee or applicant with regard to any terms and conditions of employment because of such individual's disability or perceived disability so long as the individual can perform the essential functions of the job. The Town will provide reasonable accommodations to a qualified individual with a disability, as defined by the ADA, who has made the Town aware of his or her disability, provided the accommodation does not constitute an undue hardship to the Town.

Civil service; part-time employment.

Pursuant to the Columbia County Civil Service Commission's Rules, positions within the Town are classified as exempt, noncompetitive, competitive, labor, or unclassified. For purposes of applying civil service rules only, part-time employment is considered employment where an individual works less than 20 hours per week.

Work schedule.

The standard workweek for the Town is 40 hours per week (not including lunch breaks). Employees will be informed of their work schedule at the time of hire. Every effort will be made to maintain this schedule. However, it is sometimes necessary to adjust schedules to cover vacation periods, weather conditions and/or unscheduled absences.

Description of employment. [Amended 11-13-2018]

The Town will classify employees as full-time, part-time eligible (20-34 hrs/wk), part-time ineligible (less than 20 hrs/wk), or temporary employees.

- A. Full-time: Employees who are not assigned temporary employment and who are regularly scheduled to work a minimum of 35 hours per week or more on an indefinite, continuing basis. Employees who hold multiple positions within the Town and work a total of more than 35 hours per week among the multiple positions will be considered full-time employees. Full-time employees are eligible for all benefits described herein, unless provided otherwise.
- B. Part-time eligible: Employees who are not assigned temporary employment and who are regularly scheduled to work at least 20 hours per week and less than 35 hours per week on an indefinite, continuing basis. A part-time employee is eligible for limited benefits as described herein, or to the extent required by provision of state and federal laws.
- C. Part-time ineligible: Employees who are not assigned temporary employment and who are regularly scheduled to work less than 20 hours per week on an indefinite, continuing basis. A part-time ineligible employee is not eligible for benefits described herein, unless stated otherwise, or to the extent required by provision of state and federal laws.
- D. Temporary: Employees who are hired for a specific period of time or for the completion of a specific project. The job assignment, work schedule and duration of the position will be determined on an individual basis. Employment beyond any initially stated period does not in any way imply a change in employment status. Temporary employees are not eligible for benefits described herein, unless stated otherwise, or to the extent required by provision of state and federal laws. Examples of a temporary employee include, but are not limited to, a camp counselor hire for the summer or a snowplow operator hired for the winter season.

Probationary period.

Generally, pursuant to the Columbia County Civil Service Commission's Rules, every permanent appointment from an open competitive list and every original appointment to a position in the noncompetitive, exempt, or labor class shall be for a probationary term of 12 weeks. However, a returning employee who has already successfully completed the probationary period is not required to serve another probationary term. The probationary term for promotion shall be 12 weeks. During the probationary period, the employee will have the opportunity to evaluate his or her new position and the employee's supervisor will evaluate the employee's performance and suitability for the position. Successful completion of the probationary period is not intended to create a contract of permanent employment.

Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ANNIVERSARY YEAR

The one-year period beginning on the date an employee commences employment.

CALENDAR YEAR

The period beginning January 1 of any year through December 31 of the same year.

Overtime

[Amended 9-13-2016]

The Fair Labor Standards Act (FLSA) provide that nonexempt employees under FLSA who work more than forty hours in a workweek receive overtime pay of one and a half times an employee's regular rate. Only hours actually worked count in the overtime calculation, unless an employee is required to work on a holiday. In that event, the employee will get credit for those hours. Therefore, holidays not worked, vacation days and sick days are not counted even though the employee may have received holiday, vacation, or sick day pay. The Town reserves the right to require employees to work overtime and will make every effort to provide employees with adequate notice. Any overtime hours worked, however, must first be approved by the employee's supervisor.

Ethics and conflicts of interest.

The Town expects its employees to conduct business according to the highest ethical standards of conduct. Employees are expected to devote their best efforts to the interests of the Town and avoid appearances of impropriety. The Town recognizes the right of employees to engage in activities outside of their employment which are of a private nature and unrelated to Town business; however, the employee must first disclose possible conflicts so that the Town may assess and prevent potential conflicts of interest. Conflicts of interest occur when employees engage in a business or transaction or professional activity, or incur an obligation of any nature, which is in substantial conflict with the proper discharge of their duties in the public interest. For more information, the ***Town's Code of Ethics*** sets forth standards of conduct for Town employees and provides for penalties for employees who knowingly and intentionally violate such standards of conduct. If an employee has any question whether an action or proposed course of conduct would create a conflict of interest, he or she should immediately contact the Board of Ethics for an advisory opinion.

Employee conduct; discipline and discharge.

Employees are expected to report to work as scheduled and to perform their job responsibilities to the best of their abilities and in a professional manner at all times. Civil Service Law § 75 governs the procedures the Town will follow in disciplinary actions

involving employees covered by § 75. Civil Service Law § 75 provides that a covered employee may not be removed or otherwise subjected to disciplinary penalty except for incompetency or misconduct shown after a hearing on stated charges. Such employee is entitled to representation and to summon witnesses to testify on her or his behalf at the hearing. If the employee is found guilty of any charges, the Town may take disciplinary action ranging from a formal letter of reprimand to a fine, a temporary suspension, demotion, or dismissal from service. The disciplinary action taken against an employee shall be based on the nature of the disciplinary violation and/or the employee's employment record with the Town.

Leave policies.

A. **Bereavement leave:** In the event of a death occurring in the immediate family of any full-time employee, an unpaid leave of absence shall be granted to attend the funeral, for up to two scheduled workdays. For the purposes of this bereavement leave policy, "immediate family" shall mean mother, father, spouse, sister, brother, child, mother-in-law, or father-in-law.

B. **Holidays:**

(1) The Town recognizes 12 holidays for which most of the Town's business operations will be closed:

New Years Day	Martin Luther King Day	Presidents Day
Memorial Day	Independence Day	Labor Day
Columbus Day	Veterans Day	Election Day
Thanksgiving	Day after Thanksgiving	Christmas

(2) Full-time employees are entitled to the above 12 paid holidays, plus one paid floating holiday, which is to be approved by the employee's supervisor. In the event that a recognized holiday falls on a Saturday, it will be observed on the preceding Friday, and a recognized holiday that falls on a Sunday will be observed on the following Monday. Part-time eligible employees do not receive paid holidays. Part-time eligible employees may use sick/personal or vacation time for pay for holidays that fall on a normal work day; they will be paid for their normal work hours for that day.

C. **Military leave:** Employees are entitled to a leave of absence to perform ordered military duty as set forth in New York Military Law. Town employees are entitled to receive their regular pay for a period of such service not exceeding a total of 30 days or 22 working days, whichever is greater, in any calendar year and in any continuous period of absence. Employees who are members of the organized militia or of the U.S. reserves are entitled to a leave of absence for initial full-time training duty or initial active duty for training with the U.S. armed forces. To be reinstated, employees must apply within the first 90 days after

discharge. Time spent performing military duty will not be considered an interruption of continuous service.

D. Sick and personal time: **[Amended 9-13-2016, amended 11-13-2018]**

- (1) Full-time employees: After completing the probationary period, full-time employees will receive 8 hours of sick and personal leave for every one month of full-time employment. Thereafter, at the start of each calendar year, full-time employees will be credited with 96 hours of sick and personal leave. Unused sick and personal time will accrue to a maximum limit of 288 hours and will be carried over from one calendar year to the next.
- (2) Part-time eligible employees: After completing the probationary period or upon becoming eligible for part-time benefits, part-time eligible employees will receive 4 hours of sick and personal leave for every one month of part-time eligible employment. Thereafter, at the start of each calendar year, part-time eligible employees will be credited with 48 hours of sick and personal leave. Unused sick and personal time will accrue to a maximum limit of 144 hours and will be carried over from one calendar year to the next.
- (3) Upon termination of employment, employees will not receive any compensation for unused sick and personal time.

E. Vacation leave: **[Amended 9-13-2016; amended 11-13-2018]**

- (1) Upon successful completion of the probationary period, full-time employees will become eligible for paid vacation. Full-time employees will receive five workdays of paid vacation after one year of service. After two years of service, full-time employees will be eligible for 10 workdays of paid vacation. Thereafter, full-time employees will receive one additional workday per year of service up to a maximum of 20 paid vacation days per year. Up to five paid vacation days may be rolled over into the next calendar year upon request from the employee and approval by the Town Board, but those vacation days must be utilized by June 30 of that year.
- (2) Upon successful completion of the probationary period or upon becoming eligible for part-time benefits, part-time eligible employees will become eligible for paid vacation. Part-time eligible employees will receive 2.5 workdays of paid vacation after one full year of service or upon obtaining part-time eligible status if they have already fulfilled one full year of service. After two years of service as a part-time eligible employee, they will be eligible for 5 workdays of paid vacation. Thereafter, part-time eligible employees will receive .5 additional workdays per year of service up to a maximum of 10 paid vacation days per year. Vacation time for part-time eligible employees may not be rolled over into the next calendar year.
- (3) Upon leaving Town service, an employee will be compensated for unused vacation time. Employees leaving employment with the Town before June 30 will be eligible for 50% of their earned but unused vacation time. If the departure occurs after July 1 through the end of the year, the employee will be entitled to 100% of the vacation time; however, any employee terminated for cause will be automatically disqualified from receiving any payment for accrued vacation time.

Employee benefits.

A. Health insurance: **[Amended 2-14-2011; amended 11-13-2018]**

- (1) Full-time employees who have worked full-time and completed the probationary period of 12 weeks are eligible to elect coverage for themselves and dependents in the Town's group medical plan. Full-time employees hired prior to January 1, 2011, are eligible for 100% paid health insurance by the Town; full-time employees hired after January 1, 2011, are eligible for health insurance with 80% paid by the Town and 20% paid by the employee.

Effective January 1, 2019, only full-time employees currently enrolled in the CDPHP plan with the Town paying the premium or a portion thereof will be eligible to continue with this plan. An alternative plan will be available as an option for these current full-time employees and all other eligible employees.

- (2) Part-time eligible employees who have worked at least 20 hours per week for the probationary period of 12 weeks or who successfully completed the probationary period prior to becoming eligible are eligible to elect coverage for themselves in the Town's group medical plan with 40% of the employee only premium paid by the Town and 60% paid by the employee on a bi-weekly basis as a payroll deduction. Part-time eligible employees may elect coverage for spouses, children or family but part-time eligible employees will pay 100% of the insurances premium(s) over the 40% of employee only premium on a bi-weekly basis as a payroll deduction.
- (3) Paid part-time ineligible employees who have completed the probationary period of 12 weeks are eligible to elect coverage for themselves and dependents in the Town's group medical plan. Part-time ineligible employees will pay 100% of the insurances premium(s) on a bi-weekly basis as a payroll deduction.
- (4) Buy-back option: Full-time employees eligible for health insurance can choose a buy-back option in lieu of health insurance at the following annual rates; with proof of insurance; and upon execution of the signed employee agreement noting their desire to participate in the health insurance buy-out and the details of the buy-back option, including that the buy-back will be included as part of each regular paycheck during the calendar year and that opting in or out of the buy-out will be available on a monthly basis with the amount of buy-back prorated: **[Amended 11-14-2017]**

Buy-Back Option	Annual Rate
Individual	\$2,500*
Employee plus child(ren)	\$4,100*
Employee plus spouse	\$4,800*

Buy-Back Option

Annual Rate

Family

\$7,000*

NOTES:

*The buy-back will be reduced by 20% for employees required to pay 20% of the insurance premium. The buy-back option is not available for part-time eligible employees.

- B. Health insurance benefits continuation (COBRA): The federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified beneficiaries the opportunity to continue health insurance coverage under the Town's health plan when a "qualifying event" would normally result in the loss of eligibility. Some common qualifying events are resignation, termination of employment, or death of an employee; a reduction in an employee's hours or a leave of absence; an employee's divorce or legal separation; and a dependent child no longer meeting eligibility requirements. Under COBRA, the employee or beneficiary pays the full cost of coverage of the Town's group rates plus an administration fee.
- C. New York State retirement: All employees may join the New York State Retirement System and will be offered information about joining when they are hired. The standardized workday, for retirement purposes only, is a six-hour workday.
- D. Workers' compensation benefits. The Town complies with the provisions of the New York State Workers' Compensation Law and provides benefits to any employee who is injured while working. Any employee who sustains an on-the-job related injury or illness must immediately report the injury or illness to his or her supervisor. Workers' compensation benefits cover replacement income and medical expenses.

Additional Resolutions and Laws related to Personnel Policies:

Approved Travel Policy

Code of Ethics

Compensation Plan

Data Breach Notification Policy

Defense & Indemnification

Key Policy

Sexual Harassment Policy

Workplace Violence Prevention Policy

NOW, THEREFORE, BE IT RESOLVED by the New Lebanon Town Board that the above amended personnel policies is adopted by the Town and shall take effect on **January 1, 2019**.

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

Roll Call Vote:

Councilmember Norman Rasmussen	Aye
Councilmember Kevin Smith Sr.	Nay
Supervisor Colleen Teal	Aye
Councilmember Jesse Newton	Nay
Councilmember Mark Baumli	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.

125 POP Document – Authorization to Execute:

Supervisor Teal stated that this is the pre-tax deductions on payroll. We need this document as an annual document that needs to be updated and she is asking for authorization to execute it. It will be completed by the end of the month because we will need it by December 1st when our new plan starts.

Councilmember Rasmussen made a motion authorizing Supervisor Teal to execute the 125 POP Document. Councilmember Newton seconded that motion.

Roll Call Vote:

Councilmember Rasmussen -	Aye
Councilmember Smith -	Aye
Supervisor Teal -	Aye
Councilmember Newton -	Aye
Councilmember Baumli -	Aye

HRA for MVP Insurance – Full-Time Employees (2018 Funds):

Supervisor Teal stated that on the HRA for the MVP insurance, we funded that for 2019 and our insurance runs from 12/1 through 11/30. In order to set up the HRA account for the full time employees, she needs to deposit 20% of what that HRA would be. The total is \$2,240 to be taken from A-9060.8 and DA-9060.8, the health insurance line items in the budget. When 2019 comes around she will take the other 80% and put that in the HRA account. At the end of the year when we renew our policy again on 12/1, the 20% will be there in the 2019 budget so it will keep working this way from year to year with 20/80. She would like the board to authorize her to do this.

Councilmember Rasmussen made a motion authorizing Supervisor Teal to move \$2,240 to an HRA Account with \$730 coming from DA-9060.8 and \$1,510 coming from A-9060.8. Councilmember Baumli seconded that motion.

Roll Call Vote:

Councilmember Rasmussen -	Aye
Councilmember Smith -	Aye
Supervisor Teal -	Aye
Councilmember Newton -	Aye
Councilmember Baumli -	Aye

Set Public Hearing for 2019 LVPA Contract:

Supervisor Teal stated that she wants to set the public hearing for the 2019 LVPA contract. We need the final contract agreed to by both parties by November 30th. She spoke with Attorney Tingley and she should have it this week. She spoke with Kevin Darcy of the LVPA and he felt like that should work. She would like to set the public hearing for 6:55pm on December 11th just before the regular meeting.

Supervisor Teal made a motion to set a public hearing for the 2019 contract for the LVPA on Tuesday, December 11th at 6:55pm. Councilmember Smith seconded that motion.

Roll Call Vote:

Councilmember Rasmussen -	Aye
Councilmember Smith -	Aye
Supervisor Teal -	Aye
Councilmember Newton -	Aye
Councilmember Baumli -	Aye

Authorize Supervisor to Pay NYSLRS (interim for discount):

Supervisor Teal stated that if we pay the NYSLRS bill by December 15th we get a discount. She would need to pay it on an interim abstract in order to get it in on time for the discount. It is \$58,907. It is about a \$500 discount if we pay it by December 15th. Some will come out of general and some will come out of highway.

Councilmember Smith made a motion authorizing Supervisor Teal to pay the NYSLRS voucher on an interim abstract in the amount of \$58,907 before December 15th to be divided up between general and highway. Councilmember Newton seconded that motion.

Roll Call Vote:

Councilmember Rasmussen -	Aye
Councilmember Smith -	Aye
Supervisor Teal -	Aye
Councilmember Newton -	Aye
Councilmember Baumli -	Aye

Zoning Re-Write Proposal:

Supervisor Teal stated that the town board received a proposal from the zoning re-write proposal via email and there are paper copies in everyone's packet. She asked all board members to review it between now and the December meeting and tabled it until then.

ZRC Resignation – CAC Member:

Supervisor Teal stated that we had one of our CAC members, Peg Munves, resign from the zoning re-write committee. It is her understanding that the CAC will make a recommendation for another member to be appointed to the ZRC. David Farren stated that they will try.

Supervisor Teal made a motion to accept the resignation of Peg Munves from the zoning

re-write committee. Councilmember Rasmussen seconded that motion.

Roll Call Vote:

Councilmember Rasmussen -	Aye
Councilmember Smith -	Aye
Supervisor Teal -	Aye
Councilmember Newton -	Aye
Councilmember Baumli -	Aye

Project Funding & Capital Reserves Allocations, 2018 & 2019:

Supervisor Teal stated that she gave the town board the project funding and surplus. The first is the surplus just to update the board as to where we will be with the appropriations for the 2019 budget. That does not include any surplus leftover at the end of 2018's budget which should come in fairly close to what we are using for the 2019 budget so you might see those numbers go back up. The next couple pages, she is losing track of all our projects and where we are paying for them so she has started actually general reserve allocations so that we know what is going on with them. The first one is the Shatford Park. There is \$39,712 in there. If the budget amendment is approved tonight, \$14,712 will be taken out for the pavilion sidewalks and apron and then at the year end there is still \$20,500 in the basketball court in the 2018 budget. At the year end meeting we should pass a resolution and transfer that over to the Shatford park reserve until we pay that basketball court bill. The total of the basketball court assuming that we take out the \$14,700 and we put in the \$20,500 will be \$45,500. \$30,500 of that is for the basketball court. \$15,000 is for the pavilion bathrooms. Highway buildings and equipment has \$20,000 in the 2018 budget, again a year end transfer we should slide that over to capital reserve with a resolution.

Supervisor Teal stated that the board is holding executive sessions in her office on metal chairs. If the town board would like to order more comfortable chairs for her office for the executive sessions the funding would need to come from the town board's .4 account.

Councilmember Smith made a motion to order 4 chairs for the Supervisor's office from the Town Board .4 account. Councilmember Newton seconded that motion.

Roll Call Vote:

Councilmember Rasmussen -	Aye
Councilmember Smith -	Aye
Supervisor Teal -	Aye
Councilmember Newton -	Aye
Councilmember Baumli -	Aye

COMMITTEE/LIAISON REPORTS:

Assessor (Councilmember Rasmussen):

No report.

Building Department (Councilmember Baumli):

No report.

CAC & Environmental Management (Councilmember Rasmussen & Bruce Shenker):

David Farren stated that the CAC had their monthly meeting last night and they are focused on identifying in town some critical environmental areas. They have to do a lot of research and come up with them and that is the kind of thing that they would need to present to the town board and the town board would have to ratify and those would then be identified as critical to the health of the people in the town. They are also working on fleshing out the viewshed. The mapping in the published plan doesn't represent all of the sites that they have identified and their idea is to make available to the public all of the scenic viewsheds in town that are open to the public, not on private land, and have a website attached to the town site where people can go and get a 360 degree view from that vantage point.

Fire, Law Enforcement & Emergency (Councilmembers Smith & Newton):

No report.

Highway (Superintendent Winestock & Councilmembers Smith & Newton):

Highway Superintendent Winestock stated that it is illegal to plow snow into the road and asked that people move their garbage cans out of the road as it is a highway, not a dumpster place and there are a lot of them out there and somebody could get hurt. They shouldn't be in the road.

Historian & LVHS: (Councilmembers Baumli & Rasmussen):

No report.

Justice Court/Constable (Councilmember Newton):

No report.

Parks & Recreation (Councilmembers Smith & Newton):

Councilmember Smith stated that the pavilion sidewalk/aprons look amazing and people should check them out. The bathrooms will hopefully be re-done in the spring. The new maintenance shed should arrive on November 15th. Supervisor Teal asked if we are going to make the December 15th deadline for the PESH project. Councilmember Smith answered yes.

Seniors (Councilmember Baumli & Judy Zimmer):

No report.

Town Assets, Buildings & Property (Councilmembers Smith & Newton):

No report.

ANNOUNCEMENTS:

OCTOBER:

***Tuesday, December 11th ~ Public Hearing on proposed 2019 LVPA contract @
Town Hall @ 6:55 pm***

Tuesday, December 11th ~ Regular Town Board Meeting @ Town Hall @ 7:00 pm

BUDGET AMENDMENT:

Budget Amendment #9 of 2018:

General Fund:

\$11,605 from A-1990.4 (Contingency)
\$14,712 from A-873 (Capital Reserve: Shatford Park)
\$350 from A-8010.4 (ZBA: Contractual Expenses)
\$223 from A-8020.4 (Planning: Contractual Expenses)
\$840 to A-1440.4 (Engineer: Contractual Expenses)
\$25,477 to A-7110.4 (Shatford Park: Contractual Expenses)
\$573 to A-8664.2 (Code/Zoning Enforcement: Equipment)

A motion was made by Supervisor Teal and seconded by Councilmember Newton to approve the above noted budget amendment.

Roll Call Vote:

Councilmember Rasmussen -	Aye
Councilmember Smith -	Aye
Supervisor Teal -	Aye
Councilmember Newton -	Aye
Councilmember Newton -	Aye

AUDIT OF BILLS:

General No. 394, in the amount of \$373.40;
As listed on Abstract No. 10A dated November 13, 2018;

General Nos. 395 through 432, in the amount of \$58,331.31;
Highway Nos. 120 through 131, in the amount of \$54,369.26;
Capital No. 4, in the amount of \$124,856.54;
SF-1 No. 4, in the amount of \$16,840.00; and
Escrow No. E18-10 through E18-12, in the amount of \$1,825.00;
As listed on Abstract No. 11 dated November 13, 2018.

A motion was made by Supervisor Teal and seconded by Councilmember Newton to pay the above noted claims from their respective accounts.

Roll Call Vote:

Councilmember Rasmussen -	Aye
Councilmember Smith -	Aye
Supervisor Teal -	Aye
Councilmember Newton -	Aye
Councilmember Baumli -	Aye

PRIVILEGE OF THE FLOOR:

Tistrya Houghtling stated that we are doing the 3rd annual holiday gift drive to provide gifts for families here in New Lebanon. Any family in New Lebanon that needs support

at the holidays, please contact the Town Clerk's office. Anybody who would like to donate to the gift drive, you can adopt a family, adopt a child or if you prefer not to do the shopping, you can donate money and we have other people who will do the shopping for you, please contact the Town Clerk's office to sign up. It has been an extremely successful program since it started. HEAP applications will also be available in the Town Clerk's office starting tomorrow, Wednesday, November 14th.

Cynthia Creech thanked the compensation and personnel policy committee for the work they have done on behalf of all town employees, present and future and to the Town Board as well. She knows that it is something that Supervisor Teal has wanted to do for a while and although it may not be exactly today what you want it to be, it's a very good starting point and she would like to thank everyone for the work they have done on it.

ADJOURNMENT:

A motion was made by Councilmember Smith and seconded by Councilmember Rasmussen to adjourn the meeting at 8:25 pm.

Respectfully submitted,

Tistrya Houghtling
New Lebanon Town Clerk