

**MINUTES OF THE ANNUAL ORGANIZATIONAL MEETING OF
THE TOWN BOARD OF THE TOWN OF NEW LEBANON
HELD ON JANUARY 1, 2021**

Present: Tistrya Houghtling, Supervisor
Norman Rasmussen, Councilmember (online)
Jesse Newton, Councilmember
Deborah Gordon, Councilmember (online)
John Trainor, Councilmember

Recording Secretary: Marsha “Marcie” Robertson, Town Clerk

Others Present:

CALL TO ORDER:

The meeting was called to order at 10:03 am by Supervisor Houghtling. A moment of silence dedicated to all of the lives lost to the Coronavirus was held followed by the flag salute. The meeting was held in person at the New Lebanon Town Hall, 14755 State Route 22 North, New Lebanon, NY 12125, online via google meets and live streamed for the public at:

https://townhallstreams.com/towns/new_lebanon_ny

PRIVILEGE OF THE FLOOR:

Supervisor Houghtling checked her email and there were none for privilege of the floor. Supervisor Houghtling stated that for anyone watching the live stream if you have any comments that you want put into privilege of the floor you can email them to her at supervisor@townofnewlebanon.com and she will read any emails that are received.

RESOLUTION #1, 2021 - APPOINTMENTS:

Supervisor Houghtling read the following Resolution:

**TOWN OF NEW LEBANON
RESOLUTION #1, 2021
ANNUAL APPOINTMENTS OF TOWN OFFICERS
JANUARY 1, 2021**

At the Annual Organizational 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 1st day of January 2021, the following Resolution was proposed and seconded:

Resolution by Supervisor Houghtling

Seconded by Councilmember Newton

Annual Appointments of Town Officers

BE IT RESOLVED THAT the Town Board of the Town of New Lebanon makes the following appointments for a term of one (1) year to run from 1/1/21 to 12/31/21 unless noted otherwise:

Accountant for the Town – Brian Fitzgerald
Attorneys for the Town – Gilchrist Tingley, P.C. and Stephanie Ferradino
Engineer for the Town – Engenuity Engineering and Design, PLLC
Code/Zoning Enforcement Officer and Building Department Administrator – Hazel “Cissy” Hernandez
Deputy CEO/ZEO – Jeff Hattat
Planning/Zoning & Building Department Clerk – Michelle Bienes
Planning Board Member – 7 year - Jim Carroll
Planning Board Chairwoman – Elizabeth Brutsch
Zoning Board of Appeals Member – 5 year – Chuck Gerald
Zoning Board of Appeals Chairman – Tony Murad
Conservation Advisory Council – 2 year – Steve Powers
Conservation Advisory Council – 2 year – Paul Rix
Conservation Advisory Council – 2 year – Robert Gilson
Conservation Advisory Council – 2 year – Jenna Barbary
Ethics Board Member – 5 year - Tom Gerety
Assessor’s Clerk – Michelle Bienes
Dog Control Officer – Maggie Banker
Court Clerk – Samantha Long
Deputy Court Clerk – Cynthia Creech
Second Deputy Court Clerk – Michelle Bienes
Recreation Commission Member – 7 year – Jack Lancto
Recreation Commission Chair – Samantha Long
Park/Grounds & Building Maintenance Superintendent – Donnie Sears
(Park/Grounds & Building staff to be determined by Superintendent)
SYP Camp Director – Michelle Bienes
(SYP Staff to be determined by Camp Director)
New Lebanon Representative to the Columbia County Traffic Safety Council – Kevin Smith Sr.
New Lebanon Emergency Management Coordinator – Ed Godfroy

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 Deborah Gordon | Aye |
| Supervisor Tistrya Houghtling | Aye |
| Councilmember Jesse Newton | Aye |
| Councilmember John Trainor | 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.

Dated: January 1, 2021
Marcie Robertson
New Lebanon Town Clerk

RESOLUTION #2, 2021 – APPOINTMENT OF CLEANING SERVICE:

Supervisor Houghtling stated that Resolution #2 in 2020 was pulled out from Resolution #1 because it was her mom who was the cleaner and she had wanted to recuse from that vote but she didn't want to recuse from the other appointments. She stated that she didn't realize it until she had started the redline agenda but the Town Clerk had already prepared the Resolutions. She continued to state that we will do it again this year as a separate resolution but make ourselves a note to change this for next year to add the cleaner back into Resolution #1.

Supervisor Houghtling read the following resolution:

**TOWN OF NEW LEBANON
RESOLUTION #2, 2021
ANNUAL APPOINTMENT OF CLEANER
JANUARY 1, 2021**

At the Annual Organizational 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 1st day of January 2021, the following Resolution was proposed and seconded:

Resolution by Supervisor Houghtling

Seconded by Councilmember Newton

Annual Appointments of Town Cleaner

BE IT RESOLVED THAT the Town Board of the Town of New Lebanon makes the following appointment for a term of one (1) year to run from 1/1/21 to 12/31/21:

Cleaning Service by Jody Brewer - at a rate of \$119 per week X 52 weeks

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 Deborah Gordon | Aye |
| Supervisor Tistrya Houghtling | Aye |
| Councilmember Jesse Newton | Aye |
| Councilmember John Trainor | 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.

Dated: January 1, 2021
Marcie Robertson

New Lebanon Town Clerk

RESOLUTION #3, 2021 – SALARIES AND WAGES FOR ALL ELECTED AND APPOINTED TOWN OFFICERS AND EMPLOYEES & MILEAGE REIMBURSEMENT RATE:

Supervisor Houghtling read the following resolution:

TOWN OF NEW LEBANON

RESOLUTION # 3, 2021

SALARIES AND WAGES FOR ALL ELECTED AND APPOINTED TOWN OFFICERS AND EMPLOYEES & SETTING OF MILEAGE REIMBURSEMENT RATE

JANUARY 1, 2021

At the Annual Organizational 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 1st day of January 2021, the following Resolution was proposed and seconded:

Resolution by Supervisor Houghtling

Seconded by Councilmember Newton

Salaries and Wages for all Elected and Appointed Town Officers and Employees & Setting of Mileage Reimbursement Rate

BE IT RESOLVED THAT the Town Board of the Town of New Lebanon fixes the following annual salaries for elected officials for the year 2021 to be paid biweekly:

| | |
|------------------------------|---------------|
| Town Councilmembers | \$4,000 each |
| Town Supervisor & Bookkeeper | \$22,772 |
| Town Clerk | \$35,000 |
| Highway Superintendent | \$64,840 |
| Tax Collector | \$10,812 |
| Town Justices | \$11,259 each |

BE IT FURTHER RESOLVED THAT the Town Board of the Town of New Lebanon fixes the following annual salaries and hourly wages for appointed officials and employees for the year 2021 to be paid biweekly:

| | |
|--------------------------------------|---|
| Assessor | \$27,578 annual salary |
| Assessor's Clerk | \$13.39/hour (5 hrs/wk) (max \$3,482/yr) |
| CEO/ZEO/Building Dept. Administrator | \$53,560 annual salary (\$25.75/hr X 40 hrs/wk) (12 hrs/wk ZEO; 12 hrs/wk CEO; 16 hrs/wk Bldg. Dept. Adm.) |
| Deputy Code Enforcement Officer | \$20.60/hour (10 hrs/wk) (max \$10,712/yr) |
| Planning Clerk | \$13.39/hour (5 hrs/wk) (max \$3,482/yr) |
| ZBA Clerk | \$13.39/hour (5 hrs/wk) (max \$3,482/yr) |
| Building Dept. Clerical Work | \$13.39/hour (10 hrs/wk) (max \$6,963/yr) |
| Dog Control Officer | \$20.00/hour |
| Court Clerk | \$14.94/hour (30 hrs/wk) (max \$23,306/yr) |

| | |
|--|--|
| Deputy Court Clerk | \$14.63/hour (20 hrs/wk) (max \$15,216/yr) |
| Second Deputy Court Clerk | \$13.39/hour (6 hrs/mo) (max \$725/yr) |
| First Deputy Town Clerk | \$14.00/hour (27 hrs/wk) (max \$19,656/yr) |
| Park/Grounds/Bldg Maintenance Superintendent | \$16.00/hour (27 hrs/wk total split between buildings and park – total is for all positions; superintendent and all park maintenance staff) (max \$22,464) |
| Park Maintenance Staff | \$13.00/hour |

Highway Department Employees:

Equipment Operator/Mechanic \$18.00 to \$25.00 per hour at the discretion of the Highway Superintendent

Summer Youth Program Staff (seasonal):

Camp/Program Director: \$10,000/season

The rates for the Summer Youth Program staff are as follows:

Assistant Program Director \$16.25/hour if returning; \$15.00/hr for new hires (\$5,200 max.)

Aquatics Director up to \$20.00/hour (\$3,000 max.)

Counselors range \$10.00 to \$14.00 per hour*

Counselors in Training \$7.00/hour (3 maximum)

Water Safety Instructor Aide Only range \$10.00 to \$14.00 per hour

Lifeguard Only \$20.00/hour

(Max. season total for all non-Director positions \$37,500)

(*Counselors' rates are based on number of years working at the program and number of approved certificates (.15 cents per hour for each certificate and for each year))

Bus Driver See Below

BE IT FURTHER RESOLVED THAT the Town Board of the Town of New Lebanon fixes the following contractual obligations for the appointed officials and employees noted for the year 2021 to be paid by monthly submission of vouchers unless stipulated otherwise:

| | |
|-------------------------|--|
| Accountant for the Town | \$13,200 annual per agreement (\$1,100/mo) |
| Attorney for the Town | As needed rate(s) per agreement/proposal |
| Engineer for the Town | As needed rate(s) per agreement/proposal |
| Town Historian | \$750 annually with quarterly payments |
| Bus Driver (SYP) | \$250 per driver per trip |

BE IT FURTHER RESOLVED THAT the Town Board of the Town of New Lebanon sets the following mileage rate for reimbursement to town officials and employees for 2021 when applicable:

\$0.56 per mile.

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 Deborah Gordon | Aye |
| Supervisor Tistrya Houghtling | Aye |
| Councilmember Jesse Newton | Aye |
| Councilmember John Trainor | 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.

Dated: January 1, 2021
Marcie Robertson
New Lebanon Town Clerk

MILEAGE REIMBURSEMENT RATE FOR TOWN OFFICIALS/EMPLOYEES:

Supervisor Houghtling stated that the rate has gone down slightly from 2020 and that we go by the Federal Rate.

APPOINTMENTS BY OTHER THAN TOWN BOARD:

Supervisor Houghtling appointed Charles “Doug” Banker as Deputy Town Supervisor and Elizabeth Sheffer-Winig as Town Historian.

Town Clerk Robertson appointed Ashley Saviano as First Deputy Town Clerk and Deputy Registrar.

TOWN BOARD COMMITTEES (BY SUPERVISOR):

Supervisor Houghtling stated that Councilmembers Newton and Trainor had four, Councilmember Gordon had three and Councilmember Rasmussen had two because they got rid of project management. Supervisor Houghtling stated that she spoke with Councilmembers Newton and Rasmussen and CEO Hernandez and they are all on board with Councilmember Rasmussen becoming the Building Department liaison for the year 2021. Supervisor Houghtling stated that leaves Councilmember Trainor with four but his are fairly easy with the amount of work that goes into each of them so he is okay with that. Then everyone else will have three. Supervisor Houghtling stated that she did want to revisit the idea of a comparison committee, she thinks that it is really important to look around at other towns, keeping in mind that every town is different in how they do things and we have to make sure that we are not just taking the information at face value like the other day with the vehicles. Supervisor Houghtling stated that she thinks that this is important to compare how other towns do things, not just for the highway department but for the building department, the Town Clerk’s office, are there things we can learn from them, are there things we can teach them, town policies. Supervisor Houghtling stated that there is no

commitment or obligation to change anything that we have if it works but she thinks it is just an important thing to analyze and look at. Supervisor Houghtling stated that ideally there would be two board members on that committee, Councilmember Gordon actually had mentioned interest. Councilmembers Gordon and Rasmussen will be the liaisons for the Comparison committee, they may consider a different name of the committee but for now it is the Comparison committee.

Supervisor Houghtling read off the following committees and Liaisons:

- . Supervisor Houghtling made the following Town Board Committee appointments:
 - Assessor – Norman Rasmussen
 - Building Department – Norman Rasmussen
 - Business & Economic Development - Deborah Gordon
 - Conservation Advisory Council & Environmental Mgmt. Council – Deborah Gordon
 - Fire, Law Enforcement & Emergency – Jesse Newton & John Trainor
 - Highway Dept. – Jesse Newton
 - Historian & LVHS – John Trainor
 - Justice Court/Constable – John Trainor
 - Library – John Trainor
 - Buildings, Parks & Recreation – Jesse Newton
 - Seniors – Deborah Gordon
 - Volunteers – Norman Rasmussen
 - Comparison Committee – Norman Rasmussen & Deborah Gordon

MEETINGS & NEWSPAPER:

Supervisor Houghtling read the following resolution:

**TOWN OF NEW LEBANON
RESOLUTION #4, 2021
ESTABLISHMENT OF REGULAR MEETINGS & DESIGNATION OF OFFICIAL NEWSPAPER OF THE NEW
LEBANON TOWN BOARD
JANUARY 1, 2021**

At the Annual Organizational 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 1st day of January 2021, the following Resolution was proposed and seconded:

Resolution by Councilmember Newton
Seconded by Supervisor Houghtling

Establishment of the Regular Meetings and Designation of Official Newspaper of the New Lebanon Town Board

BE IT RESOLVED THAT the regular meetings of the Town Board of the Town of New Lebanon, throughout the year 2021, be held at 7:00 p.m. on the second (2nd) Tuesday of the month and that the fourth (4th) Tuesday of the month will be reserved for special meetings.

BE IT FURTHER RESOLVED THAT, the Town Board of the Town of New Lebanon designates The

Eastwick Press as the official newspaper for the Town of New Lebanon for the year 2021 and further approves the usage of the Register Star for legal and public notices as needed.

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 Deborah Gordon | Aye |
| Supervisor Tistrya Houghtling | Aye |
| Councilmember Jesse Newton | Aye |
| Councilmember John Trainor | 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.

Dated: January 1, 2021
Marcie Robertson
New Lebanon Town Clerk

DEPOSITORIES:

Supervisor Houghtling read the following resolution:

**TOWN OF NEW LEBANON
RESOLUTION #5, 2021
DESIGNATION OF DEPOSITORIES AND FISCAL AUTHORIZATIONS
JANUARY 1, 2021**

At the Annual Organizational 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 1st day of January 2021, the following Resolution was proposed and seconded:

Resolution by Councilmember Newton
Seconded by Councilmember Trainor

Designation of Depositories and Fiscal Authorizations

BE IT RESOLVED THAT, the Town Board of the Town of New Lebanon designates the Bank of Greene County as the depositories for the Town of New Lebanon for all Town Officers to deposit all monies coming into their hands by virtue of their offices for the year 2021.

BE IT FURTHER RESOLVED THAT, the Town Board of the Town of New Lebanon authorizes the Town Supervisor and Deputy Town Supervisor to sign checks and transfer monies for the Town of New Lebanon for the year 2021 and that all checks will be countersigned by the Town Clerk or the Deputy Town Clerk.

BE IT FURTHER RESOLVED THAT, the banks and trust companies that are authorized for the deposit of monies, and the maximum amount which may be kept on deposit at any time, are:

| Depository Name | Maximum Amount | Officer |
|------------------------|-----------------------|----------------|
| Bank of Greene County | \$5,000,000 | Supervisor |
| Bank of Greene County | \$5,000,000 | Tax Collector |
| Bank of Greene County | \$100,000 | Town Clerk |
| Bank of Greene County | \$100,000 | Town Justices |

BE IT FURTHER RESOLVED THAT, the Town Board of the Town of New Lebanon authorizes all Town Officers to electronically deposit checks received in their respective offices to their respective Bank of Greene County accounts.

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 Deborah Gordon | Aye |
| Supervisor Tistrya Houghtling | Aye |
| Councilmember Jesse Newton | Aye |
| Councilmember John Trainor | 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.

Dated: January 1, 2021
Marcie Robertson
New Lebanon Town Clerk

Councilmember Newton asked if there was a possibility of Berkshire Bank being a banking option.

Supervisor Houghtling responded no; they cannot do municipal banking in New York yet. She stated that as soon as they do municipal bank, we should change our banking to there.

PETTY CASH FUNDS:

Supervisor Houghtling read the following resolution:

**TOWN OF NEW LEBANON
RESOLUTION # 6, 2021
PETTY CASH FUNDS
JANUARY 1, 2021**

At the Annual Organizational 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 1st day of January 2021, the following Resolution was proposed and seconded:

Resolution by Councilmember Newton
Seconded by Councilmember Trainor

DESIGNATION OF AMOUNTS FOR PETTY CASH FUNDS FOR OFFICERS OF THE TOWN OF NEW LEBANON

BE IT RESOLVED THAT, the Town Board of the Town of New Lebanon authorizes the following Town Officers petty cash funds in the following amounts for the year 2021:

| | |
|-----------------------------------|----------|
| Town Supervisor | \$100.00 |
| Town Clerk | \$200.00 |
| Justice Court | \$150.00 |
| Tax Collector | \$250.00 |
| Building Department Administrator | \$150.00 |
| Assessor | \$ 30.00 |

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 Deborah Gordon | Aye |
| Supervisor Tistrya Houghtling | Aye |
| Councilmember Jesse Newton | Aye |
| Councilmember John Trainor | 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.

Dated: January 1, 2021
Marcie Robertson
New Lebanon Town Clerk

HIGHWAY WORK WITH NEIGHBORING TOWNS:
Supervisor Houghtling read the following resolution:

**TOWN OF NEW LEBANON
RESOLUTION # 7, 2021
HIGHWAY WORK WITH TOWNS OF CANAAN, CHATHAM, AND STEPHENTOWN
JANUARY 1, 2021**

At the Annual Organizational 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 1st day of January 2021, the following Resolution was proposed and seconded:

Resolution by Councilmember Newton
Seconded by Councilmember Trainor

HIGHWAY WORK WITH TOWNS OF CANAAN, CHATHAM, AND STEPHENTOWN

WHEREAS, it has been the policy of the Highway Superintendent to trade highway labor and/or equipment with other towns when it has been of benefit to the Town of New Lebanon.

NOW THEREFORE, BE IT RESOLVED THAT, the Town Board of the Town of New Lebanon authorizes the Highway Superintendent to continue this policy with the Towns of Canaan, Chatham, and Stephentown for the year 2021.

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 Deborah Gordon | Aye |
| Supervisor Tistrya Houghtling | Aye |
| Councilmember Jesse Newton | Aye |
| Councilmember John Trainor | 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.

Dated: January 1, 2021
Marcie Robertson
New Lebanon Town Clerk

SANDING PLACES OF PUBLIC ASSEMBLY:

Supervisor Houghtling read the following resolution:

**TOWN OF NEW LEBANON
RESOLUTION #8, 2021
SANDING PLACES OF PUBLIC ASSEMBLY
JANUARY 1, 2021**

At the Annual Organizational 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 1st day of January 2021, the following Resolution was proposed and seconded:

Resolution by Councilmember Newton

Seconded by Supervisor Houghtling

SANDING PLACES OF PUBLIC ASSEMBLY

BE IT RESOLVED THAT, the Town Board of the Town of New Lebanon authorizes the Highway Superintendent to sand the Lebanon Valley Protective Association driveways at New Lebanon and West Lebanon, and the driveways at the Walter B. Howard Elementary School and the New Lebanon Central Junior Senior High School, at the discretion of the Highway Superintendent, per the request of the Head of the Bus Garage and/or the Chief of the Lebanon Valley Protective Association for the year 2021.

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 Deborah Gordon | Aye |
| Supervisor Tistrya Houghtling | Aye |
| Councilmember Jesse Newton | Aye |
| Councilmember John Trainor | 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.

Dated: January 1, 2021
Marcie Robertson
New Lebanon Town Clerk

SUMMER YOUTH PROGRAM RATES:

Supervisor Houghtling stated that these are exactly the same as 2020. Supervisor Houghtling read the following resolution:

**TOWN OF NEW LEBANON
RESOLUTION # 9, 2021
SUMMER YOUTH PROGRAM FEES
JANUARY 1, 2021**

At the Annual Organizational 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 1st day of January 2021, the following Resolution was proposed and seconded:

Resolution by Councilmember Newton
Seconded by Supervisor Houghtling

SUMMER YOUTH PROGRAM FEES

BE IT RESOLVED THAT, the New Lebanon Town Board hereby establishes the following rates and fees for the eight-week Town of New Lebanon Summer Youth Program:

Early Registration Fees (*discounted 20% if final payment is received by June 15th*):

Resident (Town taxes paid to New Lebanon):

| | |
|-------------|---------------|
| 1 child | \$480/season |
| 2 children | \$720/season |
| 3 children | \$882/season |
| 4+ children | \$1002/season |

Local Non-resident (Town taxes not paid to New Lebanon, School taxes paid to NLCS):

| | |
|-------------|----------------|
| 1 child | \$810/season |
| 2 children | \$1,200/season |
| 3 children | \$1,620/season |
| 4+ children | \$1,920/season |

Non-resident (Town taxes not paid to New Lebanon; School taxes not paid to NLCSD):
Per child \$1,620/season

Registration Fees:

Resident (Town taxes paid to New Lebanon):

| | |
|-------------|----------------|
| 1 child | \$600/season |
| 2 children | \$900/season |
| 3 children | \$1,102/season |
| 4+ children | \$1,252/season |

Local Non-resident (Town taxes not paid to New Lebanon, School taxes paid to NLCSD):

| | |
|-------------|----------------|
| 1 child | \$1,013/season |
| 2 children | \$1,500/season |
| 3 children | \$2,025/season |
| 4+ children | \$2,400/season |

Non-resident (Town taxes not paid to New Lebanon; School taxes not paid to NLCSD):
Per child \$2,025; and

BE IT FURTHER RESOLVED THAT due to requirements that all staffing determinations be made based on enrollment numbers, **registration fees will be accepted only for the entire season and participation for only part of the season will not be discounted;** and

BE IT FURTHER RESOLVED THAT, these fees are due at the time of registration and they are non-refundable, unless the Town of New Lebanon cancels the Summer Youth Program prior to the program commencing for that season.

BE IT FURTHER RESOLVED THAT the fees for the Swim Program are set at \$40 per session discounted to \$70 for enrollment in 2 sessions; and

BE IT FURTHER RESOLVED THAT the fees for participation in other on-site and off-site programs and field trips will be determined by the Camp Director based on the cost of the program/field trip; and

BE IT FURTHER RESOLVED THAT the registration fee(s) will be waived for the children of Town of New Lebanon employees.

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 Deborah Gordon | Aye |

| | |
|-------------------------------|-----|
| Supervisor Tistrya Houghtling | Aye |
| Councilmember Jesse Newton | Aye |
| Councilmember John Trainor | 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.

Dated: January 1, 2021
Marcie Robertson
New Lebanon Town Clerk

DESIGNATION OF VOTING DELEGATE - NYSAOT:

Supervisor Houghtling stated that in her history of being Town Clerk of Supervisor, they have never sent anyone as our voting delegate because it is held in New York City. She stated that it is online this year, the Town Clerk's office did send out an email to everyone to see if anybody was interested. Supervisor Houghtling stated that she responded that she would attend and encouraged anyone else who is interested to attend, these training sessions are amazing and it is an online session February 14-17, 2021. The town will pay the registration fees and you can take the training from the comfort of your own home. If any other board member would like to join Supervisor Houghtling in this online training, please email the Town Clerk's office.

Supervisor Houghtling stated that this resolution designates someone as the voting delegate on behalf of the town and a second delegate.

Councilmember Gordon stated that she was also interested in going.

Supervisor Houghtling read the following resolution:

**TOWN OF NEW LEBANON
RESOLUTION #10, 2021**

**DESIGNATION OF VOTING DELEGATE AND ALTERNATE TO ATTEND THE ANNUAL BUSINESS
SESSION OF THE NEW YORK STATE ASSOCIATION OF TOWNS
JANUARY 1, 2021**

At the Annual Organizational 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 1st day of January 2021, the following Resolution was proposed and seconded:

Resolution by Councilmember Rasmussen
Seconded by Councilmember Trainor

***DESIGNATION OF VOTING DELEGATE AND ALTERNATE TO ATTEND THE ANNUAL MEETING OF THE
NEW YORK STATE ASSOCIATION OF TOWNS***

BE IT RESOLVED THAT, the Town Board of the Town of New Lebanon duly designates Supervisor,

Tistrya Houghtling, to attend the Annual Business Session of the Association of Towns of the State of New York, for the year 2021, to be held online, February 14-17, 2021 and to cast the vote of the Town of New Lebanon, pursuant to §6 of Article III of the Constitution and By-Laws of said Association; and

BE IT FURTHER RESOLVED THAT, in the absence of the person so designated, Councilmember, Deborah Gordon has been designated to cast the vote of the Town of New Lebanon; and

BE IT FURTHER RESOLVED THAT, The Town Board of the Town of New Lebanon further authorizes the payment of the actual and necessary expenses incurred in doing so.

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 Deborah Gordon | Aye |
| Supervisor Tistrya Houghtling | Aye |
| Councilmember Jesse Newton | Aye |
| Councilmember John Trainor | 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.

Dated: January 1, 2021
Marcie Robertson
New Lebanon Town Clerk

RESOLUTION #11, 2021 – PERSONNEL POLICY AMENDMENT:

Supervisor Houghtling stated that the review of the Personnel Policy is typically not done at the Organizational Meeting. Supervisor Houghtling stated that it is very hard to track vacation time by days and sick and personal time by hours. At the last meeting, Councilmember Newton recommended and Supervisor Houghtling strongly agreed that they should change that. Normally they would wait until the regular January meeting, but if anyone uses vacation time between now and the January meeting on the 12th, it will make it a nightmare to do some tracking by days and some by hours.

Supervisor Houghtling stated that she amended the Personnel Policy, the only change is on Page 5 and all that it is doing is that anywhere that it talks about vacation DAYS, she multiplied by 8, so she made it an 8-hour day. So, before it was 5 DAYS, now it is 40 hours, where it was 10 DAYS, it is now 80 hours, where it was 20 DAYS, it is now 160 hours.

Councilmember Newton stated that he had a question. As of the first of this year, there was a law that was passed last April and it became effective he believes in October, any business with more than four employees will now be receiving paid sick leave for every 30 hours worked, they will receive 1 hour. He didn't know if that effected the Town.

Supervisor Houghtling responded that she didn't believe so, she hasn't heard anything about it from the Association of Towns or anyone else. She stated a lot of times what is passed doesn't apply to the Town. Like minimum wage, we should and that is something maybe they should look into. She stated that she has received requests from employees and department heads about holiday pay. She stated that the last Town Board did the part-time employees getting half of the sick and personal and half the vacation that full-time employees got, that board was not okay with also giving holiday pay. She stated that they may want to revisit this and consider it in the future.

Supervisor Houghtling stated that at the last meeting, the Town Board authorized Todd Hover to carry over vacation days, they did calculate the number of days.

A motion was made by Councilmember Trainor, seconded by Councilmember Newton and approve unanimously to authorize Supervisor Houghtling as H.R. to transfer Todd Hover's days that are carried over into 2021 into hours at the rate of 8 hours per day.

TOWN OF NEW LEBANON
RESOLUTION #11, 2021
PERSONNEL POLICIES
JANUARY 1, 2021

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 1st day of January 2021, the following Resolution was proposed and seconded:

Resolution by Supervisor Houghtling
Seconded by Councilmember Trainor

PERSONNEL POLICIES

[HISTORY: Adopted 12-13-2004; amended 2-14-2011, 9-13-2016, 11-13-2018 & 1-1-2021.]

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; amended 1-1-2021]**

- (1) Upon successful completion of the probationary period, full-time employees will become eligible for paid vacation. Full-time employees will receive 40 hours of paid vacation after one year of service. After two years of service, full-time employees will be eligible for 80 hours of paid vacation. Thereafter, full-time employees will receive 8 additional hours per year of service up to a maximum of 160 paid vacation hours per year. Up to 40 paid vacation hours may be rolled over into the next calendar year upon request from the employee and approval by the Town Board, but those vacation hours 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 20 hours 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 40 hours of paid vacation. Thereafter, part-time eligible employees will receive 4 additional hours per year of service up to a maximum of 80 paid vacation hours 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*

| Buy-Back Option | Annual Rate |
|--------------------------|--------------------|
| Employee plus child(ren) | \$4,100* |
| Employee plus spouse | \$4,800* |
| 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, 2021**.

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 Jesse Newton | Aye |
| Supervisor Tistrya Houghtling | Aye |
| Councilmember Deborah Gordon | Aye |
| Councilmember John Trainor | 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.

Dated: January 1, 2021
Marcie Robertson
Town Clerk
Town of New Lebanon

OTHER:

Highway Purchase Threshold & Clarification on NYS Highway Law 142:

Supervisor Houghtling stated that at the last meeting the questions came in as to what does Highway Law 142 mean exactly when it says equipment, tools and machinery. Is it an entire piece of equipment, pieces of equipment like tires for the trucks, cutting implements, cutting blades? She stated that they did get an email from the attorney, it is very different from what she thought. Basically, the answer is, it is all of it. There is actually a comptroller’s opinion specifically speaking to tires that says yes, tires are considered equipment, machinery or tools for highway maintenance. She stated the piece that the attorney is not positive on and looking into is oil, oil filters, they could be considered usable items. She stated that the answer is yes, it pretty much includes everything.

Supervisor Houghtling stated that for the record for the public and for the Town Board, it seemed there might have been some confusion and if the Town Board has any confusion, then she would imagine that the public and maybe the Highway Superintendent may have confusion. She stated this Town Board has done absolutely nothing that has changed what Highway Superintendent Winestock’s requirements are for purchasing items. She stated, so last year at this time, the exact same rules and laws applied as apply today.

Supervisor Houghtling stated that they have not amended or changed the Procurement Policy, the last time the Procurement Policy was modified was in 2018 and Highway Law 142, which is the law that dictates these requirements has been in place since way before Highway Superintendent Winestock was even Highway Superintendent. So, it goes back earlier than the 1960’s.

Supervisor Houghtling stated that she wanted to be clear that this board is not requiring anything new of Highway Superintendent Winestock that has not always been required.

She stated that what happened was that when he bought the backhoe without a purchase resolution, they as the Town Board were not legally allowed to pay that voucher because it was not a legally authorized purchase and then they looked at Highway Law 142 with much more of a microscope than they have ever looked at it before and found out that the Highway Superintendent and boards past were not following Highway Law 142. The Highway Superintendent was always supposed to get board approval for the purchase of tires and all of these other things. She stated she just wanted to make it crystal clear.

Supervisor Houghtling stated that she is absolutely positive that neither Highway Superintendent Winestock or past boards were knowingly or willingly breaking that Highway Law 142. She stated that she is absolutely positive it was an oversight, just like with the PESH prevailing wage, we had no idea that we were not doing it right until somebody made a complaint, we looked into it and found that we weren't doing it right.

Supervisor Houghtling stated that this does happen and no one is willingly violating the law. A lot of people in the public and Councilmember Newton said that we changed the Procurement Policy, she thinks that there is this idea that they as a Town Board are making Highway Superintendent Winestock do something that was never required of him before. She stated again, that she wants to be crystal clear, that zero has changed, this Town Board has changed zero when it comes to what Highway Superintendent Winestock is required to do when it comes to purchasing these items. They are just looking at the law closer than it has been looked at because of that backhoe purchase and realizing that they have not been following it.

Supervisor Houghtling stated that the Purchasing Policy that they put into place and then amended in November, her intention for this purchasing policy was not for things like a backhoe or a truck. When they amended it, the attorney recommended that they make it crystal clear that this did not apply to those equipment purchases as otherwise laid out in Highway Law 142, so this didn't even exist before this Town Board. So, again the exact same rules apply today, as applied two years ago, four years ago, six years ago, this Town Board has changed nothing when it comes to highway purchasing and what is required by the law.

Supervisor Houghtling stated that they have the opportunity to change something which is to set a threshold to allow Highway Superintendent Winestock some autonomy on purchases and that is what they are discussing. So, to be clear, they are actually giving Highway Superintendent Winestock more autonomy.

Supervisor Houghtling stated that the attorney has clarified that if they make a threshold that Highway Superintendent Winestock is allowed to purchase up to they cannot designate that it is only for emergencies, they cannot designate that it is only okay for these types of purchases. She stated that all they can do is say that he can spend up to this amount. They can do it a multitude of ways. She stated that an idea she had was that maybe Highway Superintendent Winestock could come to the Town Board at January's meeting with the list of all regular items that he purchases every year instead of coming to the board every single time he buys something. Another option she stated

was that on his annual budget request that Highway Superintendent Winestock has to line out a description and a cost of what is to be spent out of each account on the budget line like the other departments in the town do every year.

Councilmember Newton stated that he thinks a lot of what Highway Superintendent Winestock is weather dependent so doing a breakdown like Supervisor Houghtling suggested would be hard to do in January. He stated that it seems like other towns just set a threshold that the Highway Super is allowed to spend. He stated that when he read the attorney's email to the Town Board it seems like he is looking for more information that hasn't come through from the Comptrollers office, and he would like to wait and get the rest of the information from the attorney. He stated that he thinks setting a threshold would be better than having Highway Superintendent Winestock come to the board in January and trying to predict what the year will bring for weather.

Councilmember Trainor stated that he thought the idea of a threshold is good, it gives Highway Superintendent Winestock the ability to be flexible. He stated that he would be inclined to wait and get the information from the attorney.

Councilmember Rasmussen stated that as he thinks about this, he thinks that there are four principles that the board should make sure that they consider in whatever they do. One, whatever the state law says is what they have to do. Two is that the board doesn't want to unnecessarily hamstring any of the department managers with requirements that the board creates. That said, requirements that encourage department heads to plan ahead are good, it almost always enables an organization to be more efficient. He would encourage planning over setting limits that are so high that planning isn't needed. Finally, we elect a Supervisor and a supervisor by definition is a person who knows the most of what is going on in town, the budget situation and everything else and therefore a system that says that a department head can go up to a specified amount, but then to have another limit that the Supervisor can handle autonomously without having special meetings or having to ask the board about a \$30.00 cell phone bill for example. It is also a good use of our resource that is the Supervisor and he thinks that is something that the board should consider in their requirements.

Councilmember Gordon stated that she thinks the better each individual aspect of the Town Government plans, the easier it is for Town Government to work effectively and efficiently.

Supervisor Houghtling stated that she thinks Highway Superintendent Winestock has this all planned out, she doesn't think he is just winging it, that he has a very clear plan. She stated that it is the town boards responsibility to be a part or knowledgeable of his plan, that is why Highway Law 142 exists. The law has always been there while Highway Superintendent Winestock has been in office, it just hasn't been implemented, but now because of the backhoe purchase the board has taken a closer look at the law. She stated that she is not trying to prevent Highway Superintendent Winestock from doing his job, but she also wants to be able to do her job and it is very clear in the Highway Law and the Town Law, the Town Board is the fiscal board. She stated the board is responsible for

being fiscally conservative and making sure that taxpayer dollars are being spent in the best way. Supervisor Houghtling asked Councilmember Newton if he could meet with Highway Superintendent Winestock before the January meeting and discuss the needs of the Town Board.

Councilmember Newton responded that he could do that. He stated that Highway Superintendent Winestock isn't intentionally leaving people in the dark, there are a lot of moving parts in the highway department and to know everything that goes on in that department, you've got to be there for thirty years.

Supervisor Houghtling stated that the other thing that she thinks is very important is that Highway Superintendent Winestock has said that he will not be running again, if this is his last term and everything is in his head, getting these maintenance records and annual purchases for whoever takes over, she thinks it is important that the town has something to offer to the new Highway Superintendent.

Motion Authorizing Supervisor To Sign Retainer For Legal Services For 2021 From Gilchrist Tingley, P.C.:

Supervisor Houghtling stated that we have two Attorneys, Stephanie Ferradino and Jon Tingley. Stephanie Ferradino charges by the hour at \$175.00 per hour, no retainer and no minimum hours per month so there is no need to sign anything for her, she was appointed. Gilchrist Tingley is different, there is a retainer. It is a monthly allowance of 12 hours at a rate of \$1,800.00 and after that it is \$175.00 per hour and we can carry unused hours to the next month.

A motion was made by Councilmember Newton, seconded by Councilmember Trainor and approved unanimously to authorize Supervisor Houghtling to enter into the retainer with Gilchrist Tingley for the year 2021.

ADJOURNMENT:

A motion was made by Supervisor Houghtling, seconded by Councilmember Newton and approved unanimously to adjourn the meeting at 10:57 am.

Respectfully submitted,

Marcie Robertson
New Lebanon Town Clerk