

**MINUTES OF THE REGULAR MONTHLY MEETING OF  
THE TOWN BOARD OF THE TOWN OF NEW LEBANON  
HELD ON MARCH 9, 2021**

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

**Recording Secretary:** Marsha "Marcie" Robertson, Town Clerk (online)

**Others Present:** Steve Powers, CAC Member & CSC Chair (online)  
Bruce Shenker, NL Rep to CC Enviro Mgmt (online)  
Monte Wasch, BEDC Chair (online)  
David Farren, CAC Chair (online)  
Marc Anthonisen, CSC Advisor (online)

**CALL TO ORDER:**

The meeting was called to order at 7:08 pm by Supervisor Houghtling. A moment of silence was held in memory of Patty Harper, who recently passed away, 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](https://townhallstreams.com/towns/new_lebanon_ny)

**MINUTES:**

The minutes of the **February 9, 2021 Special Meeting and February 9, 2021 Regular Meeting** meetings were reviewed. A motion was made by Supervisor Houghtling, seconded by Councilmember Newton and approved unanimously to approve the minutes as typed.

**FINANCIAL:**

***Supervisor's Report:***

Since this was an in person and live streamed meeting the Supervisor's Report as of February 28, 2021 was available to the public via the Town Clerk's email and the Town website and the Town Board was emailed the Supervisor's Report by Supervisor Houghtling.

A motion was made by Councilmember Newton to accept the Supervisor's report as typed. The motion was seconded by Councilmember Trainor.

Roll Call Vote:

Councilmember Rasmussen -	Aye
Councilmember Gordon -	Aye
Supervisor Houghtling -	Aye
Councilmember Newton -	Aye
Councilmember Trainor -	Aye

**PRIVILEGE OF THE FLOOR:**

Supervisor Houghtling stated that she has received one email before the meeting for POF and will read it into the record:

**Supervisor Houghtling read the following:**

*Supervisor Houghtling and Town Board Members,*

*Mr. Winestock has failed again this past month to remove the old guard rail beams from the side of Main Street at the foot of Pool Hill Road. I now believe he has no intention of doing so.*

*I understand that the town attorney has advised that the town board has no authority to scrap the beams in place, so I won't suggest that again. However, if necessary I am confident I could assemble a crew of volunteers to move the scrap to the space behind the Town Shed. Let me know if you are interested, and advise whether we would need to execute formal waivers for liability purposes.*

*In my 54 years in New Lebanon, we have had five road superintendents. They all eventually became like the current holder of that office – burned out and no longer caring about pride in doing a good job. The board should perhaps explore some means to deal with this phenomenon. Term limits, maybe. Or turning the position into an appointed one, where the board could exercise a higher degree of performance management for the position.*

*Respectfully,  
Doug Banker*

Supervisor Houghtling stated that she discussed this situation with the Town Attorney and he was very clear that the Highway Superintendent is very autonomous and the Town Board is not allowed to declare highway equipment scrap. The Highway Superintendent could have other uses for the old guard rail and it would not be appropriate for the Town Board to get involved in the removal of the guard rail.

Councilmember Newton stated that he discussed this with Highway Superintendent Winestock today and he stated that he will discuss this further when they get to this topic in the old business of the agenda.

**BUDGET AMENDMENT #2 OF 2021:**

Supervisor Houghtling stated that we have two adjustments. The Highway Superintendent needed a new refrigerator for \$600.00, that wasn't budgeted for. There were also adjustments made to the values of the highway vehicles/equipment on our insurance policy based on the Highway Superintendent's review of highway inventory that created an additional premium in the amount of \$300.00 on our commercial automobile policy.

**General Fund:**

\$ 900.00 from A-1990.4 (Contingency)  
\$ 300.00 to A-1910.4 (Unallocated Insurance – Cont. Exp.)  
\$ 600.00 to A-5010.2 (Super of Hwys - Equipment)

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

Roll Call Vote:

Councilmember Rasmussen -	Aye
Councilmember Gordon -	Aye
Supervisor Houghtling -	Aye
Councilmember Newton -	Aye
Councilmember Trainor -	Aye

**HIGHWAY BILL EXCEEDING \$5,000.00:**

Supervisor Houghtling stated before they pay the bills, they need to retroactively make an approval for a highway voucher from Marchese Ford for repairs to a highway vehicle that exceeded the \$5,000.00 spending limit without prior Town Board approval.

Councilmember Newton stated that when Highway Superintendent Winestock dropped the truck off for repairs he didn't think that one part would cost as much as it did, \$4,700.00. He stated that there needs to be clarification because they thought a single item cannot exceed \$5,000.00. Is it per item limit of \$5,000.00 or total voucher amount of \$5,000.00?

Supervisor Houghtling stated that per the Town Attorney, they cannot define what. They can either make a threshold or not make a threshold, it is everything that falls under Highway Law 142, it is per purchase, you cannot piece it out.

Councilmember Newton stated that the vehicle went to Marchese for one issue and once there, there were other things that needed repair. Highway Superintendent Winestock was not aware in advance that this expense would be this much.

Supervisor Houghtling recommended that the Town Clerk send a blanket letter to highway vendors asking that before they make any repairs that may exceed the \$5,000.00 threshold, etc that they reach out to Highway Superintendent Winestock first.

A motion was made by Supervisor Houghtling, seconded by Councilmember Gordon and approved unanimously to authorize the Town Clerk to send a letter to all highway vendors that have to do with Highway Law 142 which Supervisor Houghtling will work with Town Clerk Robertson to define stating that any repair or purchase over \$5,000.00 requires approval of the Town Board and to please contact the Highway Superintendent if it seems an order or repair will exceed the \$5,000.00.

Supervisor Houghtling stated that Town Clerk Robertson will work with her and Highway Superintendent Winestock in defining who the vendors are to be sent the letter.

Supervisor Houghtling stated that she did check with the Town Attorney to see how to pay the voucher, they have to do a retroactive motion because the Town Board cannot authorize a payment unless it follows their own rules.

A motion was made by Supervisor Houghtling, seconded by Councilmember Newton and approved unanimously to retroactively approve the repairs on a 2013 Ford F550 in an amount to exceed \$5,000.00 back to January 19<sup>th</sup> of 2021.

**AUDIT OF BILLS:**

**2021 BILLS:**

General Nos. 59 through 87, in the amount of \$52,129.16;  
Highway Nos. 14 through 27, in the amount of \$41,182.60; and  
Escrow Nos. 5 through 7, in the amount of \$1,418.84  
As listed on Abstract No. 3 dated March 9, 2021.

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

Roll Call Vote:

Councilmember Rasmussen -	Aye
Councilmember Gordon -	Aye
Supervisor Houghtling -	Aye
Councilmember Newton -	Aye
Councilmember Trainor -	Aye

**OLD BUSINESS:**

***Highway Asset Management Plan:***

Councilmember Newton stated that he discussed more numbers with Highway Superintendent Winestock but they haven't come up with anything final yet. He stated the original numbers were just recommendations, that they retain the vehicles quite a bit longer than that.

***Recreation Commission Letter of Interest:***

Supervisor Houghtling stated that we went out for letters of interest when we had two vacancies and then we got a third vacancy. We did get two letters on interest and we

received a third after the deadline but according to the town attorney, that is okay. We received a letter of interest from Abbie Shoobs for the recreation commission. We have one vacancy that expires 12/31/2027.

A motion was made by Supervisor Houghtling, seconded by Councilmember Newton and approved unanimously to appoint Abbie Shoobs to the Recreation Commission for the vacancy expiring 12/31/2027.

***Cover for Highway Garage Fuel Tank:***

Supervisor Houghtling asked Councilmember Newton if there was any update.

Councilmember Newton stated that he has been contacted by many volunteers but unfortunately at the time he was under a working quarantine, work only, no other extra activities due to possible exposure. The volunteers were all more comfortable waiting a couple of weeks and now that the weather is getting nicer, he hopes they will start to make some progress with this in the next month or so.

***EV Charging Station Grant:***

Supervisor Houghtling stated we have received some exciting news. She stated that we got approved for an EV Charging Station Grant about two or three years ago. It was supposed to go behind the bank. When they went to obtain the easement, it was actually the bank that owned the property not the property owner. The property owner was okay with it, but the bank was not willing to give the easement. Due to this situation and COVID, everything was put on hold.

Supervisor Houghtling stated that recently, they found a new location and the Grant became available again. The new location is on Tilden Lane behind the library, and behind the auto parts building on the left, and it connects to the Rail Trail property. The property owners are willing to give an easement and it has already been drafted and is going in the mail tomorrow, to be signed. The Town Attorney stated that as long as the bid didn't exceed the original bid, even though that bid is a couple of years old, we can still use that bid and we do not have to go back out to bid. The contractor came out the other day, looked at the property and said that the bid would not go up.

Supervisor Houghtling stated that the next step is to clear brush and get the ground prepped and Lebanon Valley Excavation has volunteered his service to help spread the materials. We already have a contract with Colarusso, so we can order the crusher run from them out of the Town buildings and property budget line.

***Pandemic Plan Required by NYS:***

Supervisor Houghtling stated that we were able to use the County's Plan and make changes from Columbia County to Town of New Lebanon. The purpose of this plan is in the event of another pandemic to define who can work from home and who needs to be in the building. The Highway Department, the Court and Parks & Building Maintenance have to work 100% in the building or on site. Each employee who performs any percentage of work from home,

will need to sign this agreement.

A motion was made by Supervisor Houghtling, seconded by Councilmember Trainor and approved unanimously to adopt the Public Employer Health Emergency Plan for the Town of New Lebanon as written.

See Addendum A

***Proposed LL#1 of 2021 – Chapter 71:***

Supervisor Houghtling stated that if they adopt this LL, it will become Local Law #2 of 2021 because the Law that was adopted at the end of 2020 in December, didn't get filed with the State until January of 2021, so that Law became #1 of 2021. This LL has to be Proposed #1 of 2021 because we didn't have a Proposed #1.

Supervisor Houghtling stated that this Local Law is addressing barking dogs. Currently in our law if a dog barks two times in its lifetime you are in violation of our code. This Local Law is addressing that. There will be a Public Hearing in April before adopting it, but are there any questions.

Supervisor Houghtling stated that in the new proposed law, habitual is defined as howling, barking, crying or whining or any combination thereof consistently or repeatedly during two or more periods of at least fifteen minutes each within any twenty-four-hour period and which is audible and actually heard by any person that is located on an adjoining property.

A motion was made by Supervisor Houghtling to introduce Proposed Local Law #1 of 2021 and to set a Public Hearing for 6:55pm on April 13<sup>th</sup>, 2021. The motion was seconded by Councilmember Newton.

Roll Call Vote:

Councilmember Rasmussen -	Aye
Councilmember Gordon -	Aye
Supervisor Houghtling -	Aye
Councilmember Newton -	Aye
Councilmember Trainor -	Aye

See Addendum B

***Town Logo:***

Supervisor Houghtling stated that she is still working on this. It was delayed by her being quarantined. Hopefully she will have something to report next month.

***Pavilion Bathroom Contract Amendment:***

Supervisor Houghtling stated that last month the contractor requested that the town purchase the materials for the pavilion bathrooms. The Town Board did approve that pending approval from the Town Attorney.

Supervisor Houghtling stated that she drafted a proposal and the Town Attorney adjusted it. The contractor called her today and stated that he is not comfortable signing this proposed amendment as it is written. Supervisor Houghtling stated that the contractor's concerns are that when the contract amendment to extend to April 29<sup>th</sup> was done there was discussion held at the March meeting discussing the completion date depending on consistent sixty-degree temperatures day and night to install the FRP panels and the amount of time needed to complete the project from that point.

Supervisor Houghtling stated that the contractor, Bill Banker, Banker Enterprises is requesting that the contract amendment be changed to reflect the following:

Section 5, cross out the first two sentences: ***(The Contractor agrees to have the entire project completed by April 29, 2021. Time is of the essence.)***

Whereas language: ***(WHEREAS, pursuant to such written amendment executed January 29, 2021, the date by which the project must be completed by Contractor is April 29, 2021; and)*** add in as long as the weather is conducive to installing the FRP by April 1<sup>st</sup>, 2021.

Section 3: remove completely ***(Notwithstanding this Amendment, the Contractor continues to bear sole and exclusive responsibility for any and all deficiencies in, and for any lack of availability of, materials and supplies for the project. The Contractor continues to bear such responsibility in all events and without limitation, including (without limitation) if the Town is negligent, if the Town orders materials and supplies that do not meet the specifications provided by the Contractor, and if materials and supplies are unavailable due to, e.g., supply constraints or other unforeseen events.)***

A motion was made by Councilmember Newton to authorize Supervisor Houghtling to sign the contract as amended at tonight's meeting adding in the wording "as long as the weather is conducive to installing FRP by April 1<sup>st</sup> on page 1 and the definition of that for six days above fifty degree constant temperature; eliminating Section 3 in which case Section 4 will become Section 3, Section 5 will become Section 4, Section 6 will become Section 5 and on the old Section 5 which will be the new Section 4, eliminating the first two sentences. The motion was seconded by Councilmember Trainor.

Roll Call Vote:

Councilmember Rasmussen -	Aye
Councilmember Gordon -	Aye
Supervisor Houghtling -	Aye
Councilmember Newton -	Aye
Councilmember Trainor -	Aye

See Addendum C

***Guardrails on Main Street:***

Councilmember Newton stated he spoke to Highway Superintendent Winestock today and he wanted Councilmember Newton to relay that he does not want the guardrails turned into surplus, he thinks he does have another use for them. Highway Superintendent Winestock told him; he will remove the guardrails. He wanted to remind everyone that they have been very busy maintaining the roads due to the weather in the last couple of months.

Highway Superintendent Winestock told Councilmember Newton that the guardrails are most likely holding up some material, so he will probably have to do some headwall work on that section as well, he will get to it but the weather dictates that his maintaining the roads as a priority.

Councilmember Newton stated that they have had some issues with the furnace in the highway garage this year. The parts to repair the furnace are approximately \$2,800.00, which is not much less than replacing with a new furnace, this will need to be addressed in the near future.

***Speed Limit Signs on Cemetery Road:***

Supervisor Houghtling stated that at last months meeting at Privilege of the Floor there was a request for speed limit signs or slow down signs on Cemetery Road. Supervisor Houghtling stated that she did look into it and it is 30 mph for entire length of Cemetery Road and it is posted. There does seem to be a missing sign or two maybe between West Street and Route 22 but Supervisor Houghtling is not sure of sign placement and distance between the signs.

Councilmember Newton stated that he and Highway Superintendent Winestock did discuss this and the distance is figured out from end of road to start of road minus your initial signs. Usually there is an initial sign at the beginning of each road in either direction and then one in between if it is over a certain length. Councilmember Newton stated that Highway Superintendent Winestock will probably ask County to see if this section of road requires a sign in-between.

Supervisor Houghtling then asked if the speed limit signs are fine, are they allowed to put up a slowdown sign or something like that? She asked Councilmember Newton to ask Highway Superintendent Winestock and get back to the board with that information.

Councilmember Newton stated that he will.

**NEW BUSINESS:**

***Bronze Status Reached for Climate Smart Communities Program:***

Supervisor Houghtling stated the Town of New Lebanon has reached their Bronze Certification for the Climate Smart Communities Program. We were one of only three towns to reach this status in this reporting period and we are the very first town or city in Columbia County to be Bronze Certified. Supervisor Houghtling stated that to show how



impressive that is, she wants to remind everyone that it was only February of 2020 that the Town Board took the pledge to become a Climate Smart Community and it wasn't until April of 2020 that they formed their Task Force, which was officially when they could get started. So, in eight months from April to December of 2020, our Task Force got so many things done for our town that benefit our community. Supervisor Houghtling stated that she wanted to extend the biggest gratitude to Steve Powers as the Chair of their CSC for his hard work and dedication, Marc Anthonisen for being our advisor and bringing his knowledge and expertise to the table, to all of the task force members for their hard work and dedication and to the entire Town Board for supporting the efforts of the Task Force.

Steve Powers, Chair of CSC made the following statement:

*"Thank you for the kind words but this has always been a team effort and we never could've done it without the support of Tistrya and the whole Town Board. Some of the action items we submitted were started by Tistrya as Town Clerk like the LED street lights, Energy code enforcement training and the Free Store etc. so we thank you for the head start. Also, having very motivated Task Force members has been a key and thanks to all of them:*

***Jenna Barbary, Bob Gilson, Deb Gordon, Adelia Moore, Peg Munves, Elizabeth Poreba, Bruce Shenker, Sarah Steadman, Cathy Wilkerson & Josh Young.***

*Special thanks to our adviser Marc Anthonisen whose expertise and dedication ensured that we reached our goal in record time. When you look at the timeline you realize that we accomplished this basically between April when the Task Force was formed and December 2020. Other towns have been doing it for 7 years or more and still haven't reached it. As a result of our work we will immediately be able to apply for a \$5000 grant (not matching) and I think in the next few months we will qualify for two more \$5000 grants that are earmarked for energy related projects for the town."*

Supervisor Houghtling also mentioned Jill Falchi, sustainability planner with the CDRPC (Capital District Regional Planning Commission) and thanked her for all of her hard work and efforts as well.

Supervisor Houghtling stated that she does not have confirmation, but thinks we are the first to reach this status in this time frame.

***Land Donation Offer:***

Supervisor Houghtling stated that we have an exciting prospective of a land donation offer. It is a property on Route 20 towards West Lebanon, owned by Ceramtech across the street from the old RISA, in between the auto dealer on the right and the house that's before it as you are heading towards West Lebanon. It is a big open field with a stream that runs through it.

Supervisor Houghtling stated that Ceramtech doesn't own any other property in New

York State and doesn't want to. Ceramtech has approached the Rail Trail, offering to donate the property to the Rail Trail because there is a section of Rail Trail that goes through this property.

Supervisor Houghtling stated that the Rail Trail didn't necessarily want to own and maintain thirty-three acres of land and approached the town to see if the town had any potential interest for the remainder of the property.

Supervisor Houghtling stated that all she is looking for today is if the town is interested in looking at this further.

Supervisor Houghtling stated that she met with their representative and according to them there are no taxes owed on the property, there are no DEC or other concerns with the property, they just want it gone.

Supervisor Houghtling stated that some of the thoughts that she had for possible use of the property are putting in a parking lot for the Rail Trail, maybe for the skate park, maybe a picnic area and maybe a more permanent place for ice skating, roller skating, etc.

Councilmember Trainor stated that he liked the idea of focusing on bringing some of these things closer to West Lebanon.

Councilmember Rasmussen asked why they are choosing to donate instead of selling?

Supervisor Houghtling stated that they told her they were very active in the Rail Trail that goes through downtown Nassau and that they are very big on rail trails, that is why they approached the Rail Trail.

Bruce Shenker, NL Rep to CC Enviro. Mgt. stated that basically it is the last property they own in NY State and they want to get out of NY State. They did look at it and the part of the property for the Rail Trail was not actually owned by them.

Supervisor Houghtling stated that she did know the owner of that section of property and hopefully they will be willing to donate it to the Town. She stated that there is definitely more work to be done on this and information gathered but she just wanted to make sure the board was interested before moving forward. Everyone agreed that it is worth looking into further.

***Re-Appointment of Bruce Shenker as NL Rep to CC Environmental Mgt. Council to term 2/15/2021 – 2/14/2023:***

Supervisor Houghtling stated that due to an oversight Bruce Shenker's reappointment was overlooked at the January meeting.

A motion was made by Supervisor Houghtling, seconded by Councilmember Trainor and approved unanimously to reappoint Bruce Shenker as the New Lebanon Rep to the Columbia

County Environmental Management Council retroactively to a term 2/15/2021 through 2/14/2023.

***Summer Camp:***

Supervisor Houghtling stated that it sounds like New York State and Columbia County are going to be allowing summer camps to take place and we have a lot of residents wanting it. Supervisor Houghtling stated that in her opinion, kids have been in school indoors and if they are able to keep the kids safe indoors, then having outside summer camp should be doable. Michelle Bienes, SYP Director is requesting that summer camp be authorized.

Supervisor Houghtling stated that it will require a safety plan and a health screening procedure. She stated that we have not received anything official from the health department, but that they did say it will be something similar to what is being done in the schools.

Supervisor Houghtling stated that if the State and County allows summer camp, does the board agree to it as well. All agreed.

A motion was made by Supervisor Houghtling, seconded by Councilmember Newton and approved unanimously pending the authorization from New York State and Columbia County to allow summer camp to happen this summer 2021 that the Town Board authorize this summer camp to occur in New Lebanon.

***Farmer's Market:***

Supervisor Houghtling stated that a while back the Town Board had discussion on how they could help support the Farmer's market. The board put it back on the Market for them to see how towns help other markets. The Farmers Market is now requesting that the Town look into how they can have a relationship with them. Supervisor Houghtling stated that she did look into the Association of Towns and forwarded the board the email. It basically refers the town to consult their attorney.

Councilmember Rasmussen stated that the NL Farmers Market is an LLC for other small for-profit businesses. And the idea that they are requesting the town to pay for the legal fees so that they may gain more benefits doesn't seem very appropriate, if they want us to use our lawyer, then they should pay for it. Otherwise we are not paying to promote them, we are paying for them to receive free legal advice.

Supervisor Houghtling stated that a few years back, when Colleen Teal was the Supervisor and she was the Town Clerk, the town asked the Farmers Market to come to the Town Park and maybe to be a town run or town sponsored farmers market and the farmers market said no thank you.

Councilmember Trainor asked who runs the market, who makes the profit?

Supervisor Houghtling stated that she believes the LLC is registered to Josh Young.

Councilmember Gordon stated that the only reason he did that was to make the market eligible to apply for grants. The money they charge the vendors goes to the expenses the market has.

Monte Wasch, BEDC Chair stated that Josh Young is using Grow the Valley and Berkshire Grown, 501C3 non-profits to slush through grant applications, so that the farmers market can receive grant applications which are administered by valid 501C3 organizations.

Supervisor Houghtling stated that she agrees with Councilmember Rasmussen, that if the Farmers Market wants the town to fund in some way promotions or mailers or otherwise that the ownness would be on them to hire legal council and come to the Town Board with a proposal.

Councilmember Newton stated yes, he agrees and that he absolutely agrees with Councilmember Rasmussen. He thinks that if the board were to support an LLC, the community will have an issue with that.

Monte Wasch, BEDC Chair stated that in his opinion the farmers market should try to convert themselves into a 5013C, that way it could raise funds for both private and public sources.

Councilmember Gordon asked Monte how the Farmers Market being a 5013C would change how the town would respond to their request?

Monte Wasch, BEDC Chair responded that it wouldn't necessarily change how the town would respond to their request to spend town funds on research for their benefit, which is the issue that Councilmember Rasmussen raises. It would give them greater access to both public and private money.

Supervisor Houghtling stated she has a strong feeling that the answer will be no to the town helping this LLC if you are not doing it for every business in town. She stated that the Association of Towns did say it can be done, you need to consult your local attorney, but it can be done for a private, not for profit farmers' market.

Supervisor Houghtling stated that either way she doesn't think the town should spend attorney fees figuring out what that relationship could be. She also doesn't think the Farmers Market should spend money on attorney fees until they become a not for profit, because she thinks that if it is an LLC the answer will be no. If it is a not for profit private farmers market, then it seems it could be done according to the Association of Towns with the proper contract and all of that, which would be on the farmers market attorney to prepare the contract and proposal. The town would then pay the town attorney to review it all just like we do with the Little League Contract.

Councilmember Gordon stated that she understood the letter from the Association of Towns differently. She thought it suggested that it would be easier for the town to support the Farmers Market if it were a 501C3 but that it could also be done as an LLC because a farmer's market is for public good.

Supervisor Houghtling read the following: *"In addition, the Town Board should enter into a contract with the non-profit to require that the funds provided are used for the designated proper public purpose."* That's where we would need our town attorney. Anytime it says turns on town facts, that is essentially saying it can be allowed, depending on the community.

Supervisor Houghtling read the following: *"It says the Town Board should determine whether there is a proper statutory authority for the expenditure. If they do not find proper statutory authority, the Town Board could consider adopting a Local Law to give themselves the authority."*

Then it says: *"I could not find a reported state agency opinion regarding whether or not a municipality may provide assistance to a private farmers market. Municipalities, including towns have the authority to establish farmers markets under General Municipal Law 172, therefore the state has determined that funding a farmer's market is a proper public purpose. In the event the Town Board decides to provide funding to a private farmers market, the town should have a contract approved by the Town Board, delineating how the funding is to be used and the board should ensure the funding is used in accordance with the terms of the contract."*

Supervisor Houghtling stated that she is reading it to say, the town can establish a farmer's market or the town can potentially contract with a not for profit farmers' market. Either way our attorney would have to look at it.

Councilmember Trainor stated that if the farmers market takes the initiative and sends us a proposal, we can deal with that. If it comes to a contract as with the Little League, have our attorney look at it.

Supervisor Houghtling stated she thinks an argument could be made by residents if the board were to move forward with the attorney to look into this, that they are spending taxpayer money for one private LLC entity and that is not proper.

The Town Board agreed no action is to be taken at this time.

***Resignation from Business & Economic Development Committee:***

Supervisor Houghtling stated that Al Bellenchia has moved from New Lebanon, no longer works or lives in New Lebanon, therefore he has resigned from the BEDC.

A motion was made by Supervisor Houghtling, seconded by Councilmember Newton and approved unanimously to accept the resignation from the NL Business & Economic Development Committee from Albert Bellenchia.

***2021 Little League Contract:***

Supervisor Houghtling stated the Little League did contact the town asking that the contract remain the same as it was in 2020.

A motion was made by Councilmember Newton, seconded by Councilmember Trainor and approved unanimously to authorize Supervisor Houghtling to sign the 2021 Little League Contract mirroring last years contract with the dates changed to 2021.

See Addendum D

***Parade Proposal for Community Member:***

Supervisor Houghtling stated that we have multiple community members that want to organize a St. Patrick's Day themed parade this coming Sunday in honor of Patty Harper, who recently passed away. The parade would involve Shatford park so they wanted to get the okay from the Town Board. The proposed route would start from the little league end of the park, taking a left onto Route 22 and then a right onto Main Street and then a left looping around past her house and then crossing back over Route 22 back to Shatford Park and ending in the park for a socially distanced gathering. The LVPA and police will take care of traffic control and the community members will take care of everything else. The Town Board all agreed that there is no problem in doing this.

Supervisor Houghtling stated to everyone listening from the public, please join and Town Clerk Robertson will send an email blast and a put it on the town website since it is taking place on town property.

***Potential Federal Funding for Towns:***

Supervisor Houghtling stated that our Congressman Delgado was very involved in pushing for local government funding, especially on town and county levels. We haven't gotten DSS or other federal reimbursements in quite some time. The county revenues are down by millions.

Supervisor Houghtling read the following: "*The House's American Rescue Plan includes Representative Antonio Delgado's local funding formula, which delivers \$130.2 billion to local governments across the United States.*" Supervisor Houghtling stated that there is a lot they can utilize the money for, she doesn't know the exact split for New Lebanon, the article in the Register Star left out Town of New Lebanon. She stated that other towns around our size are getting somewhere between \$200 and \$300 thousand, it is by population.

Supervisor Houghtling stated that she did call to discuss the possible uses of the money such as, to support local businesses that are struggling as long as within legal parameters, to help fund projects that were put on hold due to COVID to continue with the project as planned, infrastructure, broadband, etc as long as it is meant to mitigate or respond to the economic impact due to COVID.

Supervisor Houghtling just wanted to inform everyone about this and have the board start

thinking of ways that this money can be used to help mitigate the negative effects of COVID. Unlike the CARES ACT, this bill allows this funding to be used to replace lost revenue, and there is no time limit on spending the money.

***Intermunicipal Agreement for Highway Work:***

Supervisor Houghtling stated that this was something that we didn't sign last year. Highway Superintendent Winestock had some concerns with this agreement and the Highway Law 142 possibly conflicting with one another. The Town Attorney did clarify that there is not a conflict.

Supervisor Houghtling stated that most times it is the county helping us out, it is very rarely or not all, the town helping them county. She thinks we would be remiss in not signing this agreement. It very clearly states that if a request is made of the town, the Highway Superintendent has every authority to approve or not, it doesn't bind him to anything.

A motion was made by Councilmember Trainor, seconded by Councilmember Gordon and approved unanimously to authorize the Town of New Lebanon Town Board with Supervisor Houghtling as signer entering into the Intermunicipal Agreement that allows the county and other towns to provide work for the town and allows if Highway Superintendent Winestock agrees to it, for him to provide services to other towns and the county.

***Traffic Study Request – County 5 and Route 20 Intersection:***

Supervisor Houghtling stated that the County 5 and Route 20 intersection has been something that has been discussed for some time now. For some reason it is a very dangerous intersection, there was another accident there today and she believes in the last two weeks there have been three incidents involving that intersection.

Supervisor Houghtling stated that normally they request a speed limit study, but she thinks in this case they should request a general traffic study explaining that there have been many accidents at this intersection.

A motion was made by Councilmember Newton, seconded by Councilmember Trainor and approved unanimously to authorize Supervisor Houghtling to request a general traffic study at the intersection of County 5 and Route 20.

***Resignation:***

Supervisor Houghtling stated we received a resignation from both the CAC and the CSC from the same member, unfortunately we are losing Jenna Barbary because she is moving.

A motion was made by Supervisor Houghtling, seconded by Councilmember Gordon and approved unanimously to accept the resignation of Jenna Barbary from the CAC and the CSC and to go out for letters of interest for two vacancies on the CSC and one vacancy on the CAC with letters of interest due by Friday, April 9<sup>th</sup>, 2021 by 4:00pm to the Town

Clerk's office and possible interviews if needed on April 13<sup>th</sup> to be deemed whether needed or not after receiving said letters of interest.

**COMMITTEE/LIAISON REPORTS:**

***Assessor (Councilmember Rasmussen):***

Councilmember Rasmussen stated that he has no news to report at this time.

***Building Department (Councilmember Rasmussen):***

Councilmember Rasmussen stated that Cissy is working on documenting requirements for working with the town in hopes of making those processes a little easier for residents and understand.

***Business & Economic Development (Councilmember Gordon):***

Monte Wasch stated that BEDC and its Community and Appearance Design sub-committee seeks approval for the Town to apply for a CIRD (Citizens's Institute on Rural Design) grant. The work of the grant is for the Grantor to bring in a team of design professionals to work with stakeholders in the town (land and business owners, interested local gov and not-for-profit officials, BEDC members) to reimagine both the appearance of the Miracle Mile and the way it functions. Similar to what we hoped to accomplish by holding a design competition. The CIRD grant comes with a \$6000 stipend which we must match. For the match, we can use donations of time, materials, space, etc., as a match. We would also like to request that the funds put aside in the 2021 Budget for the design competition be made available to use for the CIRD design workshop *if necessary*, in order to satisfy the match. If we do not get the grant (which is likely, as this is a federal grant), we will move ahead with the design competition.

Councilmember Gordon stated that it is critical that the applicant will be the town. Grow the Valley is joining them as a secondary applicant but the primary applicant will be the town. The contact person for the grant needs to be a town employee, so Councilmember Gordon will be that contact person.

A motion was made by Supervisor Houghtling, seconded by Councilmember Trainor and approved unanimously authorizing Deb Gordon to apply for the grant on behalf of the Town of New Lebanon.

The Outreach and Marketing sub-committee's next publication is a business calendar of events for Spring/Summer 2021 and a "coupon" book of incentives offered by community businesses. This compilation is now in progress with a submission date of March 12th and a publication date of May 1st.

The process of designing a Town logo continues.



The Virtual Farmers Market is now on a steady twice-weekly sales schedule; offerings continue to diversify. The BEDC urges the Town Board to make funds available to get legal counsel on how the Town can best support the Market's growth.

Working in conjunction with the various board chairs, the BEDC continues to support a rewrite and simplification of the approval processes for business establishments.

Monte Wasch, BEDC Chair stated that he believes the BEDC should have a stated number of members just as other boards and commissions do and that if they fall below that number, that they advertise for vacancies. He suggested that it should be fifteen members.

Supervisor Houghtling stated that she thinks there are a few members that aren't meeting with the BEDC right now because the online meeting doesn't work for them. Once they can meet in person again, they are looking forward to getting back involved.

Supervisor Houghtling asked Monte Wasch to draft up a proposal for next months meeting that talks about the number of members, the positions of town board whether they ex-officiate or not and get it to her a week or so before the meeting and she will put it into a resolution.

***CAC & Environmental Management & Climate Smart Task Force (Councilmember Gordon):***

**David Farren, CAC Chair** stated that the CAC monthly meeting last night had technical challenges with Google Meet and we switched to Zoom for the duration of the meeting.

David Farren had a productive and lengthy phone conversation with Elizabeth Brutsch. Advising the Planning Board on pending proposals is central to the CAC mission and Elizabeth agreed to approach the Planning Board clerk with a proposal to allow the CAC to review proposals in a timelier fashion.

Trees for Tribes has said that they will award the project for Shatford Park. We expect to receive a planting plan within the week and David will reach out to Jesse Newton to set a time to meet with Donnie Sears to review that plan. It appears they will deliver 500 potted tree and shrub seedlings for spring planting.

At last night's meeting, we discussed whether it makes sense to revisit the 2014 Open Space Inventory. We believe the Town Board approved it at the time and a next step would be for the Town Board to adopt an Open Space Index. The Hudson River Estuary Program has announced a June 2nd deadline for grant applications, generously funded, and Open Space Inventories are a focus. David viewed a Hudson River Estuary Program webinar on open space inventories presented last month. One take away was that natural resource inventories normally precede open space inventories. Our order was reversed. In

any event, we would have time to prepare a grant proposal for revising our Open Space Inventory and submit it by the June 2nd deadline.

Supervisor Houghtling requested that David obtain information from the Town Clerk to find out if this was previously adopted or not.

We agreed on our goals for the year at last night's meeting. One addition is the launch of a flood mitigation study for the town. The study would be coordinated with revising the Hazard Mitigation Plan for the town. Marc Anthonisen has confirmed that two Cornell MPA students are conducting a climate vulnerability study of the town to be completed by the end of May. He suggested that we approach the Cornell Cooperative Extension Service forestry office in Acra, Green County, before their October deadline and request that they conduct a climate resilience study in town. We would pair both studies before proceeding with proposed revisions to the town's Hazard Mitigation Plan, being sure to adhere to any required schedules. Marc pointed out that the town also has an Emergency Response Plan and we may also want to propose revisions to that plan.

Other CAC goals for this year that we approved last night include the following. We will complete a Water Study conducted by the New York State Department of Health, whose team will test up to 20 private wells throughout town later this month or in April. Steve Winkley of the New York State Rural Water Association has been very helpful in selecting test locations and these should confirm the status of the town's well waters. In addition, we hope Steve will complete his Source Water Protection Plan this year. We would like to memorialize scenic viewsheds that we have identified throughout town by posting them on an interactive website. The website would allow the public to view 360-degree panoramas at each location. We plan to propose that the Town Board adopt the first Critical Environmental Area in town and have identified cool ravines, an unusual habitat. as our first priority. We would also like to sponsor a second naturalist presentation to the summer campers in Shatford Park and hope that Michael Clough of the Southern Vermont Museum of Natural History will be available once again.

Last night we also discussed the Comprehensive Plan update process and the fact that Natural Resources and the Environment are now separated for goals and objectives. We suggested that the CSC address priorities that will help the town achieve Silver status over the next 3 years with the view of incorporating them in the updated Comprehensive Plan...

Further to the Trees for Tribes project in Shatford Park, an auger operator provided by Trees for Tribes will dig up to 250 holes a day over two days, that will be the lion's share of labor and David estimates that 4 volunteers each morning and afternoon should be able to plant 500 seedlings in 10 days. He will reach out to Norman to advertise for volunteers and will also propose expenditures of \$300 or so for the Town Board to consider at its April meeting. A supply of topsoil for amending soil in the planting holes and starter fertilizer would help and it makes sense for 5 yards of topsoil, a full dump truck, to be delivered if the town has other uses for it.

**Steve Powers, CSC Chair** stated after achieving Bronze, our next goal is Silver that requires 300 points including the ones achieved but many have to be recertified. We also have 11 actions that we are currently working on towards Silver. We have started our relationship with Cornell and have 2 masters candidate advisors Jessie and Waqar who are working on a vulnerability study for the town and we expect a report in May. Welcome to them and thank you for your help.

I ask that I be able to apply for grants on behalf of the CSC without having to make a request each time.

A motion was made by Councilmember Trainor, seconded by Councilmember Gordon and approved unanimously to authorize the Town Supervisor to work with Steve Powers to apply for grants for the CSC without Town Board approval.

One of the potential grants that NYSERDA is offering involves the town signing up for the NYSTRETCH program. This program was developed to make new homes more energy efficient by as much as 11% over the current state code and thus save energy costs. The state will probably mandate these specs in 3 years anyway and this program is an opportunity for towns to get a jump on it and benefit with a \$5000 grant if signed up by Dec 31. It doesn't apply to existing buildings unless the owners put on an addition. It's basically adding more insulation so your house doesn't lose heat and thus saves money on energy bills in the long run. So, the CSC is asking the board to consider hearing a presentation on the program by NYSERDA at a future meeting if possible or whatever you suggest.

Councilmember Newton stated that he would like to read through the NYSTRETCH Program because if it is what he thinks it is, he is not in favor of it.

Supervisor Houghtling stated that she is all for energy efficiency and saving the environment but she is pretty opposed to anything that requires people to do something. She doesn't feel that it is the local governments place to tell people that they have to be energy efficient, especially if you are talking about an increased cost. She stated that health and safety codes she understands but energy efficiency shouldn't be mandated.

Councilmember Trainor stated that he tends to agree with Supervisor Houghtling on this.

Councilmember Rasmussen stated that he would like to see it be a choice.

Councilmember Gordon stated that she thinks it would be useful to have the details and cost of this explained to them.

Supervisor Houghtling stated to Steve and Marc that they have four out of five board members stating that if it is something that is required or mandated, they will most likely vote no. If they want to prepare something to bring before the board they can, but do so knowing that four members are not in favor at this point.

Supervisor Houghtling stated that if they had a program that is similar but doesn't require anything of anyone, but a program where you could get points for more of an educational campaign to homeowners as to why it makes sense for them to voluntarily choose to put in more insulation. That's the direction she would lean to. Even seeing if there are any incentives to making your home more energy efficient.

David Farren, CAC Chair stated that at their Comp. Plan meeting, Jeff Hattat, Deputy CEO mentioned this STRETCH legislation and he seemed to make a pretty strong case that it would make building pretty unaffordable for many people.

Steve Powers stated that he wasn't looking for the Town Board to approve this, he was just suggesting that the board listen to a presentation by the experts on this.

Councilmember Rasmussen stated that maybe they could sponsor or help in some way to have an educational session open specifically for the public to let people know what the benefits of making these changes could be to them.

**Bruce Shenker, Environmental Management** stated that there is nothing that stuck out much to share. Shaker Swamp Conservancy is getting going again, they had a meeting with CLC last week and he has been working with Ted Timreck who made a wonderful video explaining the importance of the swamp, it is beautiful.

***Fire, Law Enforcement & Emergency (Councilmembers Newton & Trainor):***

Councilmember Newton stated that they are all doing their physicals, that is why they don't have a rep there. There have been a lot of wires down calls and some accidents. They are still giving away smoke and CO2 detectors.

***Highway (Superintendent Winestock & Councilmembers Newton):***

Councilmember Newton stated that as he previously mentioned, they will need to look into replacing the furnace in the highway garage.

Councilmember Newton stated that he would like to look into getting a transfer station here in New Lebanon.

Supervisor Houghtling will make the request to County.

***Historian & LVHS: (Councilmembers Trainor):***

Councilmember Trainor stated that they are not doing much in person.

**LVHS** activities are still limited. John Carr has a fantastic LVHS webpage.

Councilmember Newton asked about the antique photos that were blown up for the NL200, he thought they would be great to produce some to put up in town for sale.

***Justice Court/Constable (Councilmember Trainor):***

Councilmember Trainor stated that Samantha Long told him the court is still functioning.

***Library (Councilmember Trainor):***

Councilmember Trainor stated that the Librarian sends in reports regularly. Moriah is doing readings again, one coming up on the 23<sup>rd</sup>. The board meeting is this Thursday, they are a very active group.

***Buildings, Parks & Recreation (Councilmembers Newton):***

Councilmember Newton stated that we are heading into the soft season, doing some basic clean-up. He will be disassembling the skating rink soon; we are looking at warmer temperatures.

Supervisor Houghtling thanked Councilmember Newton for all of his work with the skating rink.

Supervisor Houghtling mentioned to the board to keep in mind thoughts for next months meeting about possibly getting Music in The Park up and running this year.

***Seniors (Councilmember Gordon):***

Councilmember Gordon stated that the seniors are not meeting to her knowledge.

***Volunteers (Councilmember Rasmussen):***

Councilmember Rasmussen stated that he has been following up and getting a good number of confirmations from people happy to be included in the list. We handled two requests for volunteers and the response was excellent. We filled both requests, 1 for 2 volunteers for a data entry & organization project and the other yielded 6 volunteers to work on the food giveaway.

If anyone is interested in volunteering, please contact Councilmember Rasmussen at: [nrasmussen@townofnewlebanon.com](mailto:nrasmussen@townofnewlebanon.com).

***Comparison Committee (Councilmember Rasmussen & Gordon):***

Councilmember Rasmussen stated that Deb is reaching out to other towns to identify a few that we can use as valid comparisons to New Lebanon. I have begun working out how we can download the data from the NYS website so we ensure any comparisons we make are based on facts.

Councilmember Gordon stated that they thought doing the comparison of the Town Board as well would be a good idea.

**ANNOUNCEMENTS:**

***April:***

***Tuesday April 13<sup>th</sup> at 6:55 pm – Public Hearing for LL #1 of 2021 (if adopted to be LL***

**#2 of 2021)**

***Tuesday April 13<sup>th</sup> at 7:00 pm – Regular Monthly Meeting***

**PRIVILEGE OF THE FLOOR:**

In addition to an in-person privilege of the floor, Supervisor Houghtling will read all comments, questions and concerns emailed to [supervisor@townofnewlebanon.com](mailto:supervisor@townofnewlebanon.com) during the meeting. Supervisor Houghtling stated she has not received any emails from anyone online.

**David Farren** stated that he will be reaching out to Councilmember Rasmussen for the Trees for Tribes program to look for volunteers to help plant the 500 seedlings they will be receiving.

**ADJOURNMENT:**

A motion was made by Supervisor Houghtling, seconded by Councilmember Newton and approved unanimously to adjourn the meeting at 9:37 pm.

Respectfully submitted,

Marcie Robertson  
New Lebanon Town Clerk

# Addendum A

Public Employer Health  
Emergency Plan for the

**Town of New Lebanon**

A m u b n e b b A

## Promulgation

This plan has been developed in accordance with the New York State Labor Law section 27-c.

This plan has been developed with the input of the Town Board. The Town of New Lebanon has no unions nor unionized employees at this time to collaborate with on writing this plan as required by the amended New York State Labor Law.

No content of this plan is intended to impede, infringe, diminish, or impair the rights of us or our valued employees under any law, rule, regulation, or collectively negotiated agreement, or the rights and benefits which accrue to employees through collective bargaining agreements, or otherwise diminish the integrity of the existing collective bargaining relationship.

This plan has been approved in accordance with requirements applicable to the agency, jurisdiction, authority, or district, as represented by the signature of the authorized individual below.

--

As the authorized official of the Town of New Lebanon, I hereby attest that this plan has been developed, approved, and placed in full effect in accordance with the New York State Labor Law section 27-c, to address public health emergency planning requirements.

Signed on this day: 3/15/2021

By: Tistrya Houghtling

Title: Town Supervisor, Town of New Lebanon

Signature:





# Record of Changes

Date of Change	Description of Change	Implemented by
3/9/2021	Plan Adoption	Town Board

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## Purpose, Scope, Situation Overview, and Assumptions

### Purpose

This plan has been developed in accordance with the New York State Labor Law section 27-c. As a result of legislation signed by the Governor of New York State on September 7, 2020, public employers are required to adopt a plan for operations in the event of a declared public health emergency involving a communicable disease. The plan includes the identification of essential positions, facilitation of remote work for non-essential positions, provision of personal protective equipment, and protocols for supporting contact tracing.

### Scope

This plan was developed exclusively for and is applicable to the Town of New Lebanon. This plan is pertinent to a declared public health emergency in the State of New York which may impact our operations; and it is in the interest of the safety of our employees and contractors, and the continuity of our operations that we have promulgated this plan.

### Situation Overview

On March 11, 2020 the World Health Organization declared a pandemic for the novel coronavirus which causes the COVID-19 severe acute respiratory syndrome. This plan has been developed in accordance with amended laws to support continued resilience for a continuation of the spread of this disease or for other infectious diseases which may emerge and cause a declaration of a public health emergency.

The health and safety of our employees and contractors is crucial to maintaining our mission essential operations. We encourage all employees and contractors to use [CDC Guidance for Keeping Workplaces, Schools, Homes, and Commercial Establishments Safe](#). The fundamentals of reducing the spread of infection include:

- Using hand sanitizer and washing hands with soap and water frequently, including:
  - After using the restroom
  - After returning from a public outing
  - After touching/disposing of garbage
  - After using public computers, touching public tables, and countertops, etc.
- Practice social distancing when possible
- If you are feeling ill or have a fever, stay home, or notify your supervisor immediately and go home
- If you start to experience coughing or sneezing, step away from people and food, cough or sneeze into the crook of your arm or a tissue, the latter of which should be disposed of immediately
- Clean and disinfect Town buildings and common work areas daily
- Clean and disinfect workstations as necessary during each shift
- Other guidance which may be published by the CDC, the federal government, the NYS Department of Health, or County health officials.

### Planning Assumptions

This plan was developed based on information, best practices, and guidance available as of the date of publication. The plan was developed to largely reflect the circumstances of the current Coronavirus pandemic but may also be applicable to other infectious disease outbreaks.

The following assumptions have been made in the development of this plan:

- The health and safety of our employees and contractors, and their families, is of utmost importance.

- A public health emergency may directly impact our own operations.
- The impact of a public health emergency will take time for us to respond to, with appropriate safety measures put into place and adjustments made to operations to maximize safety.
- The public and our residents expects us to maintain a level of essential Town services.
- Resource support from other jurisdictions may be limited based upon the level of impact the public health emergency has upon them.
- Supply chains, particularly those for personal protective equipment (PPE) and cleaning supplies, may be heavily impacted, resulting in considerable delays in procurement.
- The operations of other entities, including the private sector (vendors, contractors, etc.), non-profit organizations, and other governmental agencies and services may also be impacted due to the public health emergency, causing delays or other disruptions in their services.
- Emergency measures and operational changes may need to be adjusted based upon the specific circumstances and impacts of the public health emergency, as well as guidance and direction from public health officials, the governor, and/or the federal government.
- The below definitions shall be utilized within the plan and have the following meaning pursuant to Labor Law Section 27-c(1) (a)-(g):
  - "Contractor" is an individual performing services as a party to a contract awarded by the Town .
  - "Essential employee" is a public employee or contractor that is required to be physically present at a work site to perform their job.
  - "Non-essential employee" is a public employee or contractor that is not required to be physically present at a work site to perform their job.

## Concept of Operations

The Town Supervisor of the Town of New Lebanon, their designee, or their successor holds the authority to execute and direct the implementation of this plan. Implementation, monitoring of operations and adjustments to plan implementation may be supported by additional personnel, at the discretion of the Town Supervisor.

Upon the determination of implementing this plan, all employees and contractors of the Town of New Lebanon shall be notified by Town email and Town website, with details provided as possible and necessary, with additional information and updates provided on a regular basis. Additionally, a copy of the implemented plan shall be maintained on the Town 's website and available from the Town Supervisor upon request. Department non-employees/consultants will be notified of pertinent operational changes by way of the department head or designee, email or Town website access. Other interested parties, such as vendors, will be notified by phone and/or email as necessary. The Town Supervisor, or designee, will maintain communications with the public and constituents as needed throughout the implementation of this plan.

The Town Supervisor of the Town of New Lebanon, their designee, or their successor will maintain awareness of information, direction, and guidance from public health officials and the Governor's office, directing the implementation of changes as necessary.

Upon resolution of the public health emergency, the Town Supervisor of the Town of New Lebanon, their designee, or their successor will direct the resumption of normal operations or operations with modifications as necessary.

## Operations Plan

When confronting events that disrupt normal operations, the Town of New Lebanon is committed to ensuring that operations continue and essential services will be continued even under the most challenging circumstances.

The following are titles by department that are identified as providing essential services/functions that requires certain positions to be on-site to effectively operate. The table below identifies the positions or titles that are essential to be staffed on-site for the continued operation of each essential function. Note that while some functions and associated personnel may be essential, some of these can be conducted remotely and do not need to be identified in this section. Essential positions that cannot perform their duties fully while in remote status are listed with the percentage of their weekly scheduled hours that they must be on-site.

Essential Function	Essential Positions/Titles	Justification for Each
Town Clerk	<ul style="list-style-type: none"> <li>• Town Clerk / RMO / Registrar</li> <li>• Deputy Town Clerk / Deputy RMO / Deputy Registrar</li> </ul>	<ul style="list-style-type: none"> <li>• 60% of workload can be done remotely &amp; 40% of workload requires access to office including, but not limited to:               <ul style="list-style-type: none"> <li>- Processing Town Mail</li> <li>- Processing Payments, Deposits, Etc.</li> <li>- Filing &amp; Records Management</li> <li>- Dog Licenses</li> <li>- DECALS</li> <li>- Marriage Licenses</li> <li>- Vital Records</li> <li>- FOIL Requests</li> </ul> </li> </ul>
Town Supervisor	<ul style="list-style-type: none"> <li>• Town Supervisor</li> <li>• Human Resources</li> <li>• Budget Officer</li> <li>• Bookkeeper</li> </ul>	<ul style="list-style-type: none"> <li>• 80% of workload can be done remotely &amp; 20% of workload requires access to office including, but not limited to:               <ul style="list-style-type: none"> <li>- Processing Mail</li> <li>- Processing Payments, Payroll, Deposits, Etc.</li> <li>- Access to Files</li> <li>- Oversight of Town Buildings and Properties</li> <li>- HR enforcement roles such as mask wearing compliance of town staff</li> <li>- Emergency Management (does not necessarily need office access but cannot be done remotely and may require on site access in various locations)</li> </ul> </li> </ul>
Tax Collector	<ul style="list-style-type: none"> <li>• Tax Collector</li> </ul>	<ul style="list-style-type: none"> <li>• 80% of workload can be done remotely &amp; 20% of workload requires access to office including, but not limited to:               <ul style="list-style-type: none"> <li>- Processing Mail</li> <li>- Processing Payments</li> <li>- Remote Deposits</li> <li>- Access to Files</li> </ul> </li> </ul>
Building Department	<ul style="list-style-type: none"> <li>• CEO</li> <li>• ZEO</li> <li>• Deputy CEO</li> </ul>	<ul style="list-style-type: none"> <li>• 80% of workload can be done remotely &amp; 20% of workload requires access to office including, but not limited to:               <ul style="list-style-type: none"> <li>- Fulfilling FOIL requests</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>• Deputy ZEO</li> <li>• PZ Clerk</li> <li>• Building Department Administrator</li> </ul>	<ul style="list-style-type: none"> <li>- Filing</li> <li>- C of O and other searches that require access to physical files</li> <li>- Processing Mail</li> <li>- Processing Payments</li> <li>- Building Permit Renewals</li> </ul>
Assessor	<ul style="list-style-type: none"> <li>• Assessor</li> <li>• Assessor's Clerk</li> </ul>	<ul style="list-style-type: none"> <li>• 80% of workload can be done remotely &amp; 20% of workload requires access to office including, but not limited to: <ul style="list-style-type: none"> <li>- Collecting new building permit application info.</li> <li>- Searching through building department files, looking at plans, etc.</li> <li>- Filing</li> <li>- Processing Mail</li> <li>- Large scale scanning</li> </ul> </li> </ul>
Park & Building Maintenance	<ul style="list-style-type: none"> <li>• Parks/Grounds/Bldg Maintenance Superintendent</li> <li>• Park Maintenance Staff</li> </ul>	<ul style="list-style-type: none"> <li>• 100% of the workload for these positions must be done from town property</li> </ul>
Highway Department	<ul style="list-style-type: none"> <li>• Highway Superintendent</li> <li>• Equipment Operator/Mechanic</li> </ul>	<ul style="list-style-type: none"> <li>• 100% of the workload for these positions must be done from town property</li> </ul>
Dog Control Officer	<ul style="list-style-type: none"> <li>• Dog Control Officer</li> </ul>	<ul style="list-style-type: none"> <li>• This position does not require access to town buildings and properties but only 20% of the work can be done remotely (such as phone calls, emails and processing citations) – 80% of the work involves on site and in person work in various locations across Town and potentially to/from the Humane Society in Hudson</li> </ul>
Summer Camp	<ul style="list-style-type: none"> <li>• Camp/Program Director</li> <li>• Assistant Program Director</li> <li>• Counselors</li> <li>• Counselors in Training</li> </ul>	<ul style="list-style-type: none"> <li>• Camp is not considered an essential service but IF camp is in session, 100% of the work must be done on site with the exception of paperwork done by the camp/program director</li> </ul>
Court	<ul style="list-style-type: none"> <li>• Town Justices</li> <li>• Court Clerk</li> <li>• Deputy Court Clerk</li> <li>• 2<sup>nd</sup> Deputy Court Clerk</li> </ul>	<ul style="list-style-type: none"> <li>• 100% of the workload for these positions must be done from town property</li> <li>• Please note OCA typically deems when court staff can work in the building and when they must stay home – no work can be done remotely when OCA deems they stay home</li> </ul>

## Reducing Risk through Remote Work and Staggered Shifts

Through assigning certain staff to work remotely and by staggering work shifts, we can decrease crowding and density at work sites.

### Remote Work Protocols

Non-essential employees and contractors able to accomplish their functions remotely will be enabled to do so at the greatest extent possible. Working remotely requires:

1. Identification of staff who will work remotely
2. Approval and assignment of remote work
3. Equipping staff for remote work, which may include:
  - a. Internet capable laptop
  - b. Necessary peripherals
  - c. Access to VPN and/or secure network drives
  - d. Access to software and databases necessary to perform their duties
  - e. A solution for telephone communications
    - i. Note that phone lines may need to be forwarded to off-site staff

**For the *Town of New Lebanon Emergency Teleworking Policy*, please refer to Appendix A.**

### Staggered Shifts

Implementing staggered shifts may be possible for personnel performing duties which are necessary to be performed on-site but perhaps less sensitive to being accomplished only within core business hours. As possible, management will identify opportunities for staff to work outside core business hours as a strategy of limiting exposure. Regardless of changes in start and end times of shifts, the Town of New Lebanon will ensure that employees are provided with their typical or contracted minimum work hours per week. Staggering shifts requires:

1. Identification of positions for which work hours will be staggered
2. Approval and assignment of changed work hours

Town Departments that are able to accommodate staggered shifts and still maintain the requirements of their daily operations must complete the following steps in order to do so:

1. Develop a plan detailing how the department will be able to maintain daily operations with staffing performing their duties outside of traditional business operations, and the duration of the plan.
2. The plan will be presented, and approved, by the Town Supervisor.
3. The department plan can be implemented.

## Personal Protective Equipment

The use of personal protective equipment (PPE) to reduce the spread of infectious disease is important to supporting the health and safety of our employees and contractors. PPE which may be needed can include, but not limited to:

- Masks (cloth and disposable)
- Face shields
- Gloves

- Disposable gowns and aprons
- Cleaning supplies
- Hand soap
- Hand sanitizer

Note that while cleaning supplies are not PPE, the Town has included same as they are essential to assist in stopping the spread of communicable disease. The Coronavirus pandemic demonstrated that supply chains were not able to keep up with increased demand for these products early in the pandemic. As such, we are including these supplies in this section as they are pertinent to protecting the health and safety of our employees and contractors.

**For the Town of New Lebanon Personal Protective Equipment (PPE) for Town Employees during a Public Health Emergency Policy, please refer to Appendix B.**

## Staff Exposures, Cleaning, and Disinfection

### Staff Exposures

Staff exposures are organized under several categories based upon the type of exposure and presence of symptoms. Following CDC and NYS DOH guidelines, we have established the below protocols:

- A. If employees or non-employee/contractors are exposed to a confirmed or suspected case of communicable disease that is the subject of the public health emergency (defined as a 'close contact' with someone who is confirmed infected, which is a prolonged presence within six feet with that person<sup>1</sup>) should remain quarantined at home or in a comparable setting and practice social distancing for the lesser of 14 days or other current CDC/DOH public health guidance for the communicable disease in question:
  1. Employees or non-employee/contractors who have been exposed to a confirmed or suspected case and do not have symptoms should:
    - a. If possible, with department head approval, be permitted to work remotely during this period of time if they are not symptomatic and physically able to work.
    - b. The employee will ensure that their hours worked will be documented and reported to their department payroll processor.
    - c. The Town Human Resources/Payroll Office will be notified by the department head and/or employee of the work from home/quarantine status.
  2. CDC and DOH guidelines for COVID-19 provide that critical essential employees may be permitted to continue works following potential exposure, provided they remain symptom-free and additional precautions are taken to protect them, other employees and contractors, and our constituency/public.
    - a. After consultation with the Columbia Town Health Department, the department head of the subject employee or non-employee/contractor will be responsible for ensuring the protocols below are followed.
    - b. Additional precautions will include the requirement of the subject employee or non-employee/contractor, as well as others working in their proximity, to wear appropriate PPE at all times to limit the potential of transmission.

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<sup>1</sup> Or as may be further defined or amended.



- c. In-person interactions with the subject employee or non-employee/contractor will be limited as much as possible.
  - d. Work areas in which the subject employee or non-employee/contractor are present will be disinfected according to current CDC/public health protocol. See the section on Cleaning and Disinfection for additional information.
  - e. If at any time they exhibit symptoms, refer to item B below.
- B. If an employee or non-employee/contractor exhibits symptoms of the communicable disease that is the subject of the public health emergency:
1. Employees and non-employee/contractors who exhibit symptoms in the workplace should be immediately separated from other employees, customers, and visitors. They should immediately be sent home with a recommendation to contact their physician.
  2. The department head, or designee, will contact the Town Supervisor for sterilizing and cleaning of the employee's or non-employee/contractor's work area, or the entire department, if necessary.
  3. Employees and non-employee/contractors who exhibit symptoms outside of work should notify the Town Supervisor and stay home, with a recommendation to contact their physician.
  4. Employees should not return to work until they have met the criteria to discontinue home quarantine per CDC/public health guidance and have consulted with a healthcare provider.
  5. Any employee or non-employee/contractor placed on quarantine by a local Health Department must notify the Town Supervisor of the quarantine.
  6. Copies of any quarantine order must be supplied to the Town Supervisor.
  7. Any non-employee/contractor placed on quarantine by a local Health Department must notify the Town Supervisor of the quarantine.
  8. The Town of New Lebanon will not require sick employees to provide a negative test result for the disease in question or healthcare provider's note to validate their illness, qualify for sick leave, or return to work; unless there is a recommendation from the CDC/public health officials to do so.
  9. CDC criteria for COVID-19 provides that persons exhibiting symptoms may return to work if at least 24 hours have passed since the last instance of fever without the use of fever-reducing medications. If the disease in question is other than COVID-19, CDC and other public guidance shall be referenced.
  10. The Town Supervisor, or designee, is responsible for ensuring these protocols are followed.
- C. If an employee or non-employee/contractor has tested positive for the communicable disease that is the subject of the public health emergency:
1. Apply the steps identified in item B, above, as applicable.
  2. Areas occupied for prolonged periods of time by the subject employee or non-employee/contractor will be closed off.
    - a. CDC guidance for COVID-19 indicates that a period of 24 hours is ideally given before cleaning, disinfecting, and reoccupation of those spaces will take place. If this time period is not possible, a period of as long as possible will be given. CDC/public health guidance for the disease in question will be followed.
    - b. Any common areas entered, surfaces touched, or equipment used shall be cleaned and disinfected immediately.
    - c. See the section on Cleaning and Disinfection for additional information on that subject.

3. Identification of potential employee and non-employee/contractor exposures will be conducted
  - a. If an employee or non-employee/contractor is confirmed to have the disease in question, the Town Supervisor should inform all contacts of their possible exposure. Confidentiality shall be maintained as required by law.
  - b. Apply the steps identified in item A, above, as applicable, for all potentially exposed personnel.
4. The Town Supervisor, or designee, is responsible for ensuring these protocols are followed.

We recognize there may be nuances or complexities associated with potential exposures, close contacts, symptomatic persons, and those testing positive. We will follow CDC/public health recommendations and requirements and coordinate with our county public health department for additional guidance and support as needed.

### Cleaning and Disinfecting

CDC/public health guidelines will be followed for cleaning and disinfection of surfaces/areas. Present guidance for routine cleaning during a public health emergency includes:

1. As possible, employees and contractors will clean their own personal workspaces daily, or when they deem necessary (Ex. Desktop, phone, keyboard, etc.).
2. High traffic/high touch areas and common areas which are accessible to the public/constituents will be disinfected multiple times daily by the town staff in accordance with CDC/public health recommendations and requirements.
3. Staff tasked with cleaning and disinfecting areas will be issued and required to wear PPE appropriate to the task.
4. Soiled surfaces will be cleaned with soap and water before being disinfected.
5. Surfaces will be disinfected with products that meet EPA criteria for use against the virus in question and which are appropriate for that surface.
6. Staff will follow instructions of cleaning products to ensure safe and effective use of the products.
7. Departments in need of additional cleaning products must request additional supplies from the Town Clerk's Office.
8. Cleaning concerns, or requirements of cleaning in specific department areas, must be reported through a Department Head, or designee, to the Town Supervisor.

### Employee and Non-Employee/Contractor Leave

Public health emergencies are extenuating and unanticipated circumstances in which the Town of New Lebanon is committed to reducing the burden on our employees and contractors. The *Families First Coronavirus Response Act* provided requirements related to the COVID-19 pandemic, which form the policies outlined below. While this Act expired on December 31, 2020, the Town has determined extend the provisions of the Act through March 31, 2021. This policy may be altered thereafter or based upon changes in law or regulation interim, as applicable.

It is our policy that employees of the Town of New Lebanon will not be charged with leave time for testing. Employees will be provided with up to two weeks (70 hours or 80 hours dependent on their regular scheduled two week pay period) of paid sick leave at the employee's regular rate of pay for a period which the employee is unable to work due to quarantine (in accordance with federal, state, or local orders or advice of a healthcare provider), and/or experiencing symptoms and seeking medical diagnosis. Further, in accordance with the NYS

Department of Labor, if an employee, who has already utilized COVID-19 Sick Leave pay and subsequently tests positive, they shall be entitled to two additional periods of paid COVID-19 Sick Leave if each of the subsequent leaves are a result of positive test.

Further, through March 31, 2021, the Town of New Lebanon will provide up to two weeks (70 hours or 80 hours dependent on their regular scheduled two week pay period) of paid sick leave at two-thirds the employee's regular rate of pay if the employee is unable to work because of a bona fide need to care for an individual subject to quarantine (pursuant to federal, state, or local orders or advice of a healthcare provider), or to care for a child (under 18 years of age) whose school or child care provider is closed or unavailable for reasons related to the public health emergency, and/or the employee is experiencing a substantially similar condition as specified by the CDC/public health officials. This provision may be modified if an employee is able to effectively work remotely and the need exists for them to do so.

Additionally, the Town of New Lebanon will provide up to an additional 10 weeks of paid expanded family and medical leave at two-thirds of the employee's regular rate of pay where an employee, who has been employed for at least 30 calendar days by the Town of New Lebanon, is unable to work due to a bona fide need for leave to care for a child whose school or child care provider is closed or unavailable for reasons related to the public health emergency. This provision may be modified if an employee is able to effectively work remotely and the need exists for them to do so.

Additional provisions may be enacted based upon need and the guidance and requirements in place by federal and state employment laws, FMLA, executive orders, and other potential sources.

Non-Employees/Contractors, either independent or affiliated with a contracted firm, are not classified as employees of the Town of New Lebanon, and as such are not provided with paid leave time by the Town of New Lebanon, unless required by law.

## Documentation of Work Hours and Locations

In a public health emergency, it may be necessary to document work hours and locations of each employee and contractor to support contact tracing efforts. Identification of locations shall include on-site work, off-site visits. This information may be used by the Town of New Lebanon to support contact tracing within the organization and may be shared with local public health officials.

Work schedules, both regularly scheduled and varying, are maintained within each Town department, and are accessible through the department head or supervisor in each department. Manual records of time keeping and time off requests are accessible through the Town Supervisor.

## Housing for Essential Employees

There are circumstances within a public health emergency when it may be prudent to have essential employees lodged in such a manner which will help prevent the spread of the subject communicable disease to protect these employees from potential exposures, thus helping to ensure their health and safety and the continuity of the Town of New Lebanon's essential operations.

If such a need arises, the Town Supervisor will identify and arrange for these housing needs.

## **Procedure to Report and Protections**

**In the event that an employee or contract worker becomes aware of any alleged or believed violations of Labor Law 27-c or the provisions of this plan, they may submit the information of such alleged or believed violations by informing the Town Supervisor. They shall be tasked with reviewing and addressing any said reports.**

**Notification shall be made in writing, which may be submitted via email, hand delivery to their respective offices or by first class mail to PO Box 328, New Lebanon, NY, 12125.**

**No employee shall suffer retaliation or discrimination for making suggestions or recommendations regarding the content of the Town's plan.**

**The requirements of NYS Labor Law section 27-c shall not in any way be deemed to impede, infringer, diminish or impairs the rights of the employee and the Town as established under any law, rule, regulation or collective bargaining agreement, or the rights and benefits that accrue to employees through the collective bargaining agreement or otherwise diminish the integrity of the existing collective bargaining agreements.**

## Appendix A

### Town of New Lebanon Policies and Procedures Personnel

#### Town of New Lebanon Emergency Teleworking Policy

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On March 16, 2020, a State of Emergency was declared in Columbia County in response to the COVID-19 outbreak, prompting the Town of New Lebanon to implement remote working protocols to protect the health and safety of the Town's workforce. The following policy sets forth guidelines by which eligible employees may work remotely during the COVID-19 New York State and/or Columbia County declared State of Emergency. This policy is temporary and is in effect only for the duration of the COVID-19 State of Emergency, or unless otherwise extended by the Town. This policy will be reviewed periodically and may evolve and be amended as needed. This policy applies to all employees.

##### **Purpose and Intent**

During the COVID-19 State of Emergency, Town employees must continue to provide services that the community expects and is reliant upon. In order to continue operations, the intent is for employees to work at their regular worksites. However, when working onsite is not possible due to the impact of COVID-19, and job duties and technology allow, Town employees will be able to work remotely or telework.

Teleworking is a temporary arrangement necessitated by COVID-19. Teleworking may be appropriate for some employees and/or jobs and not others. This determination will be made exclusively by the Town of New Lebanon.

Teleworking is not an entitlement, and in no way changes the terms and conditions of employment with the Town. Additionally, teleworking does not change the essential job duties and responsibilities of an employee's position.

Any Teleworking assignment will be evaluated as frequently as the Department Head/Town believes is necessary and may be discontinued at any time by the Department Head/Town or at the request of the employee.

These guidelines outline best practices specific to teleworking during the COVID-19 State of Emergency, including eligibility to telework, pay, hours worked and information regarding reasonable accommodations that may be different from accommodations under the Americans with Disabilities Act (ADA), currently in place in some Town Departments.

##### **COVID-19 Teleworking Guidelines**

##### **Hours Worked**

All employees who work when the Town is open, either remotely or on-site, shall be paid for hours worked at their regular hourly rate of pay.

## **Who May Work Remotely**

Permitted situations where Teleworking may be authorized, assuming the employee is healthy and can perform the essential job duties and responsibilities of their Columbia County Civil Service job description remotely, include:

- Employee is healthy but dependent has symptoms or diagnosis related to COVID-19 that have been confirmed by a health care professional. For additional information on COVID-19 symptoms please consult online resources from the Centers for Disease Control and Prevention ("CDC"), the Columbia County Health Department, or the Human Resources Department.
- Employee is healthy, but placed under COVID-19 related quarantine by their health care provider or the Health Department.
- Employee is at a higher risk for contracting COVID-19 as defined by the CDC (higher risk groups include being 60 years or older, having an underlying health condition or being immunocompromised).
- Employee needs to provide care to dependents due to COVID-19 related school and/or daycare closures.
- Employee has recently traveled to a high-risk area, as identified by the CDC or the state, or may have some other exposure to COVID-19.
- Non-essential Town staff that have been approved to work from home as directed by the Town Supervisors.

## **Requests**

All requests for teleworking must be made to the Department Head. Requests and considerations for teleworking will be at the discretion of the Department Head, with final approval made by the Town supervisor.

Any Teleworking arrangement may be discontinued, at any time by the Town or at the request of the employee.

Where the request to telework is a request for a reasonable accommodation, the Department Head must notify Human Resources immediately to begin the usual interactive process of assessing the accommodation.

## **Priorities & Essential Work**

The employee and supervisor will evaluate the responsibilities and priorities of the position, considering customer/client/collaborator impact and feasibility of completing some or all duties remotely.

The business of the Town will take precedence over teleworking work days. Employees may, at the discretion of their immediate supervisor or Department Head, be called to work at their centrally located worksite on their regular teleworking workday, to meet workload or operational requirements.

In the event an employee does not have enough work available remotely to fill their regular work day, or has demands on their time such as child care that make it impossible to work their full work day, the employee must submit only for time actually worked. For all other hours, the

employee must utilize other leave credit for the remaining hours or request COVID-19 Paid Sick Leave credit if employee meets eligibility requirements.

### **Technology**

Town department heads should work with the Columbia County MIS Department for technology needs allowing the employee to work remotely. This may be a Town issued or personal desktop or laptop computer. Columbia County MIS will not provide technical support for personal devices, other than support needed to set up remote access.

In certain circumstances, employees may be provided with a Town -issued laptop or other equipment. Equipment and/or service that the Town provides to the employee is Town property and may be recovered or discontinued at any time and at the sole discretion of the Town.

Employees are required to adhere to all Town policies and procedures while using remote access capabilities. Additionally, employees are required to take the necessary steps to keep all equipment and/or services used for remote access in a safe location and avoid any misuse. No one other than the Town employee is allowed to access Town documents or utilize Town equipment. Unauthorized use of Town property is strictly prohibited.

### **Computer and Internet**

To work remotely an internet connection is required. The Town will not reimburse for internet or phone expenses incurred, or any damages you may experience to your personal devices. Employees are responsible for following all Town practices and policies to maintain security and protect confidentiality on a device.

### **Home Environment**

Supervisors and employees must consider whether the home environment is conducive to remote work. Factors to be considered include the demands of other household members, household construction, appropriate lighting, seating, and other basic conditions. Employees should set expectations with other household members regarding interactions and availability. Remote working is not intended to enable employees to conduct personal or non-Town business while on Town time.

To ensure that employee performance will not suffer in remote work arrangements, the Town requires employees to:

- Choose a quiet and distraction free working space
- Dedicate their full attention to their job duties during working hours
- Adhere to normal break and attendance schedules
- Be accessible to Town personnel by phone and/or email within the same timeframes as if employee was working in their regular office setting
- Maintain strict confidentiality of Town and/or client information
- Adhere to all Town policies and procedures as if working from their regular office setting
- Keep non-work related interruptions to a minimum

### **Pay**

All employees who work remotely when the Town is open will be paid for hours worked at their regular hourly rate of pay. As is regular practice, overtime while working remotely must be approved in advance by the employee's supervisor or Department Head. Employees will record their daily hours worked on timesheets and submit their timesheets bi-weekly in accordance with Town payroll deadlines.

### **Remote Agreements & Expectations**

Department Heads or supervisors and employees shall sign the acknowledgement of this Teleworking Policy.

### **Time & Performance**

Department Heads must identify and clearly outline to an employee a system of how time and performance will be managed. All systems must include methods of regular communication specific to work priorities, deliverables, timelines, etc.

### **Hours of Work and Reimbursement:**

Employees are required to take rest and meal breaks per NYS Labor Laws and applicable collective bargaining agreements. The Town will not reimburse the employee for the cost of any off-site related expenses and any personal tax implications related to the teleworking location shall be the employee's responsibility.

### **Liability**

Workers Compensation benefits will apply only to injuries arising out of and in the course of employment as defined by New York State Workers' Compensation Law. The employee must report any such work-related injuries to their supervisor or Department Head immediately. The employee must allow inspections of the employee's work area(s), home office, or other relevant location to be conducted by the Town or its agent if a job-related incident, accident, or injury has occurred. The Town is not responsible for any loss, damage, destruction to property or for any injury or loss to third persons at the approved teleworking site.

### **Confidentiality and Non-Disclosure:**

During the course of their employment with the Town of New Lebanon, the aforementioned employee has gained knowledge of and/or access to confidential and proprietary information of the Town. By the execution of this agreement, the employee understands that while teleworking they are expressly prohibited from disclosing confidential and proprietary information to any unauthorized person, company, or other entity and are prohibited from using any such information for personal gain or profit. The employee understands that confidential and proprietary information, systems, or data and all items made or compiled by the employee or made available to the employee during any period of teleworking shall be and remain exclusive property of the Town. Upon cessation of teleworking, the employee shall immediately return any such property to the Town and no copies thereof may be kept by the employee at the teleworking worksite.

### **Agreement Acknowledgment:**



I have read and understand this teleworking policy and agreement and all its provisions. By signing below, I agree to be bound by all terms and conditions within this teleworking agreement and the Town's policies. I understand it is my responsibility to make the teleworking arrangement a success. Failure to adhere to the provisions set forth may result in disciplinary action, including but not limited to immediate termination of the teleworking arrangement.

Employee Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Department Head Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## Appendix B

**Town of New Lebanon  
Policies and Procedures  
Safety and Security  
Personal Protective Equipment (PPE)  
for Town Employees/Non-Employees  
during a Public Health Emergency**

**Purpose**

In accordance with the recommendations from the Center for Disease Control and Prevention (“CDC”) and the New York State Department of Health (“NYSDOH”) in regards to Personal Protective Equipment (“PPE”) and the ability of PPE to prevent the spread of infectious disease during a public health emergency, the purpose of this policy is to outline the procedures for Town Departments to procure, store and dispense PPE for its employees, non-employees/contractors and building visitors.

**Applicability**

This policy is applicable to all Town employees, non-employees/contractors, and visitors on all Town owned or leased properties, and the buildings located on those properties.

**Procedure**

The purpose of PPE usage during a public health emergency is to reduce the spread of infectious disease. PPE for a public health emergency may include, but not limited to:

- Masks (cloth masks for employees/non-employees/contractors)
- Masks (disposable masks for visitors)
- Face shields
- Gloves
- Disposable gowns and aprons
- Cleaning supplies
- Hand soap
- Hand sanitizer

The type of PPE available to each Town Department will be based on the job duties of the individuals in the department, and locations in which the job is performed. Requests for specialized PPE (i.e. N-95 masks, respirators, etc.) through the procurement process will be reviewed by the Town Supervisor.

1. Procurement of PPE
  - a. Each Town Department will be responsible for the ordering of PPE supplies through the Town Clerk’s Office.
  - b. This will include PPE supplies for each department’s employees, non-employees/contractors and visitors.
  - c. As the procurement of supplies may become delayed, departments should ensure orders for additional supplies are completed prior to the exhaustion of department PPE supplies.
2. Storage of PPE

- a. Town Departments will maintain PPE inventory equal to 25% of their total number of employees and non-employee/contractors.
  - b. Town Departments will maintain PPE inventory equal to 25% of the estimated number of department visitors in a three (3) month period.
  - c. PPE must be stored in the town hall in an area that will prevent degradation.
  - d. The supply and inventory of PPE must be monitored to ensure integrity and to track usage rates.
3. Dispensing
- a. All department employees and non-employees/contractors must be informed where to obtain PPE within their department.
  - b. Employees and non-employees/contractors will be provided with Town issued PPE at no cost.
  - c. In the event of an emergency, employees and non-employees/contractors must have availability to replacement PPE, if necessary.
  - d. Employees, non-employees/contractors and visitors may choose to provide their own face masks, and will ensure that they comply with at least the minimum standards of safety from the CDC.
4. Town PPE Stockpile
- a. The Town Clerk's Office, in combination with the Town Supervisor, will be responsible for the ordering, storage and maintenance of the Town's stockpile inventory of PPE.
  - b. This stockpile inventory will be maintained in the event that traditional ordering methods and/or supply shortages affect the ability to maintain supplies for Town Departments.

#### Employee and Non-Employee/Contractor Responsibilities

In accordance with this policy, and to assist in preventing an infectious disease during a public health emergency, all Town employees and non-employees/Contractors will comply with the following:

- Employees and non-employees/contractors will receive Town issued initial and replacement PPE at no cost.
- Assigned PPE will be worn as directed by the Columbia Town Supervisor, and their department head, and in compliance with all mandates and recommendations from the CDC and the NYSDOH.
- PPE must be cleaned or replaced after use or when damaged or soiled
- PPE may not be shared

#### Visitor Responsibilities

In accordance with this policy, and to assist in preventing an infectious disease during a public health emergency, Visitors to all Town departments and properties will comply with the following:

- If Visitors do not have their own proper facial covering, they will receive Town issued masks at no cost.
- Visitor's masks will be worn as directed by the Town Supervisor, and their department head, and in compliance with all mandates and recommendations from the CDC and the NYSDOH.

Policy Enacted: 3/9/2021  
 Resolution #: TB motion in minutes  
 Dated: 3/9/2021



# Addendum B

New York State Department of State  
Division of Corporations, State Records and Uniform Commercial Code  
One Commerce Plaza, 99 Washington Avenue  
Albany, NY 12231-0001  
www.dos.ny.gov

## *Local Law Filing*

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**(Use this form to file a local law with the Secretary of State.)**

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County    City    Town    Village  
(select one.)

**of New Lebanon**

**Local Law No. 1 of the year 2021**

**A LOCAL LAW TO AMEND CHAPTER 71 OF THE CODE OF THE TOWN OF NEW  
LEBANON.**

**Be it enacted by the Town Board of the Town of New Lebanon as follows:**

See attached.

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**(If additional space is needed, attach pages the same size as this sheet, and number each.)**



**LOCAL LAW NO. 1 OF THE YEAR 2021**

**A LOCAL LAW TO AMEND CHAPTER 71 OF THE CODE OF THE TOWN OF NEW LEBANON.**

**SECTION 1**

This local law shall be referred to as “A Local Law to Amend Chapter 71 of the Code of the Town of New Lebanon”.

**SECTION 2**

Chapter 71 of the Code of the Town of New Lebanon, entitled “Animals”, is hereby amended as follows:

- A. Paragraph F of Section 71-3, relating to purebred licensing, is hereby repealed in its entirety.
- B. Section 71-9.9, entitled “Seizure of dogs; redemption periods; impoundment fees; destruction of unredeemed dogs”, is hereby amended in its entirety to read as follows:

**§ 71-9.9 Seizure of dogs; redemption periods; impoundment fees; destruction of unredeemed dogs.**

- A. The seizure, holding, and redemption of dogs shall be conducted in accordance with § 117 of the Agriculture and Markets Law and the terms set forth herein. In addition to the provisions in § 117 of the Agriculture and Markets Law authorizing the Town of New Lebanon to seize dogs, the Town may also seize any dog permitted or allowed to violate § 71-9.1 or § 71-9.2 of this article or any dog not in the control of the owner or custodian and not on the premises of the dog's owner or custodian.
- B. Each dog that is seized that is not identified, whether or not licensed, shall be held for at least the redemption period set forth in paragraph (4) of § 117 of the

Agriculture and Markets Law, during which period the dog may be redeemed by its owner, provided that such owner produces proof that the dog has been licensed and has been identified pursuant to the provisions of Chapter and further provided that the owner pays the impoundment fees set forth in paragraph D of this Section.

- C. Promptly upon seizure of any identified dog, the owner of record of such dog shall be notified personally or by certified mail, return receipt requested, of the facts of seizure and the procedure for redemption. Such dog shall be held for at least the applicable redemption period set forth in paragraph (6) of § 117 of the Agriculture and Markets Law. The owner may redeem such dog during such applicable redemption period upon payment of the impoundment fees set forth in paragraph D of this Section.
- D. Pursuant to the authority set forth in paragraph (4) of § 117 of the Agriculture and Markets Law to establish impoundment fees in any amount, the total impoundment fees that must be paid by an owner to redeem a dog that has been seized pursuant to this section shall be equal to the sum of the following:
  - (1) the applicable Seizure Fee, plus
  - (2) the applicable Shelter Fee, plus
  - (3) any emergency veterinary costs and expenses incurred in connection with or arising after the seizure of such dog.

For purposes of this paragraph, the Seizure Fee shall be the amount set by resolution of the Town Board which shall be due immediately upon seizure of a dog, regardless of whether such dog is sheltered. For purposes of this paragraph, the Shelter Fee shall equal the sum of all fees due to any shelter for the impoundage, feeding, and shelter of such dog, which fees shall be set annually by resolution of the Town Board.

- E. An owner shall forfeit title to any dog unredeemed at the expiration of the appropriate redemption period, and the dog shall then be made available for adoption or euthanized subject to §§ 117 and 374 of the Agriculture and Markets Law.

### **SECTION 3**

If any word, phrase, sentence, part, section, subsection, or other portion of this Law or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection, or other portion, or the proscribed application thereof, shall be severable, and the remaining provisions of this Law, and all applications

thereof, not having been declared void, unconstitutional, or invalid, shall remain in full force and effect.

#### **SECTION 4**

This Law shall become effective upon filing with the New York Secretary of State.

#### **SECTION 5**

This Local Law is enacted pursuant to the New York Municipal Home Rule Law.



(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

**1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as Local Law No. 1 of 2021 of the (County)(City)(Town)(Village) of New Lebanon was duly passed by the Town Board of the Town of New Lebanon on December 8, 2020 in accordance with the applicable provisions of law.

~~**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)**~~

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 20\_\_\_\_ in accordance with the applicable provisions of law.

~~**3. (Final adoption by referendum.)**~~

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_.

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

~~**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**~~

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_.

Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

**5. ~~(City local law concerning Charter revision proposed by petition.)~~** \_\_\_\_\_

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_, became operative.

**6. ~~(County local law concerning adoption of Charter.)~~** \_\_\_\_\_

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_ of 20\_\_\_\_ of the County of \_\_\_\_\_, State of New York, having been submitted to the electors at the General Election of \_\_\_\_\_ 20\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

**(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)**

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.

\_\_\_\_\_  
Marcie Robertson, Town of New Lebanon Town Clerk  
Clerk of the county legislative body, City, Town or Village  
Clerk or officer designated by local legislative body

(Seal)

Date: \_\_\_\_\_

# Addendum C

## ***New Restrooms at Weisbuch Pavilion Project – Contract 2019-001 – Amendment***

**THIS AMENDMENT OF CONTRACT 2019-001** (this “Amendment”) is made this \_\_\_\_ day of March, 2021, by and between the TOWN OF NEW LEBANON, 14755 NY Route 22, New Lebanon, New York, 12125 (“Town”) and BANKER ENTERPRISE, 14 Dymond Road, New Lebanon, New York, 12125 (“Contractor”).

**WHEREAS**, on or about September 5, 2019, Town and Contractor entered into a contract for Contractor to construct new restrooms at the Town’s Weisbuch Pavilion (the “Contract”); and

**WHEREAS**, the Contract provided for a completion date of October 31, 2019; and

**WHEREAS**, on various dates, the Town agreed to extend the completion date several times at Contractor’s request, which dates and extensions were memorialized in a certain written amendment executed by the parties on or about January 29, 2021; and

**WHEREAS**, pursuant to such written amendment executed January 29, 2021, the date by which the project must be completed by Contractor is April 29, 2021 as long as the weather is conducive to installing FRP paneling by April 1<sup>st</sup> which requires a constant temperature of above 50 degrees for 6 days in a row; and

**WHEREAS**, the Contract provides for the Contractor to provide all materials and labor for the project; and

**WHEREAS**, the Contractor has requested that the Contract be further amended to provide for the Town, rather than the Contractor, to order and purchase the materials needed for completion of the project, and for the contract price to be reduced by the Town’s costs for such materials; and

**WHEREAS**, the Town is willing to agree to such amendment on the terms and conditions set forth below, and further seeks to reaffirm the completion date of April 29, 2021;

**NOW, THEREFORE**, the parties agree to amend the Contract as follows:

- 1) On or before March \_\_, 2021, Contractor shall provide a written list of all materials, with complete specifications, needed to complete the project, along with the name, address, and telephone number of at least three (3) suppliers recommended by Contractor for said materials.
- 2) Upon receipt of such written list and recommended suppliers, Town shall coordinate the purchase and delivery of such materials needed to complete the project. All materials needed to complete the project shall be ordered by the Town and payment therefor made by the Town directly to the supplier of such materials. All

such materials shall be delivered to and stored on Town property and shall be owned by the Town. Contractor shall remain responsible to complete the project.

- 3) The amount payable to the Contractor under the Contract shall be reduced by the Town's total, actual costs for all materials and supplies the Town purchases pursuant to this Amendment and all charges associated therewith, including without limitation, delivery charges, regardless if all such materials and supplies are used in the project. If and to the extent the total costs for all such materials and supplies and the charges associated therewith exceed the amount remaining to be paid under the Contract, Contractor shall reimburse the Town for such excess upon demand. Under no circumstances shall the total cost to the Town for the project exceed the original contract price under the Contract.
- 4) Contractor acknowledges that, in the Town's purchase of the materials and supplies needed to complete the project, the Town's Procurement Policy and/or State competitive bidding laws may be applicable. Failure of the Town to secure the materials necessary to complete the Project, or delays occasioned by compliance with the Town's Procurement Policy and/or state competitive bidding laws, shall not constitute a valid basis for extension of the completion date and Contractor voluntarily assumes all risks associated with any such delay(s). Notwithstanding the Town's direct purchase of such materials, Contractor remains responsible for the quality of all materials and workmanship on the project.
- 5) Contractor agrees to defend, indemnify, and hold harmless the Town for and from any and all losses, claims, damages, liabilities, actions, judgments, settlements, costs, expenses, interest, awards, penalties, and fines, of whatever kind, including reasonable attorneys' fees, that arise from or relate in any way to this Amendment to the Contract.

***\*\*\*Remainder of Page Intentionally Left Blank\*\*\****

**IN WITNESS WHEREOF**, the parties hereto have set their hands this day in the year first written above.

**BANKER ENTERPRISE**

**TOWN OF NEW LEBANON**

By: \_\_\_\_\_  
William Banker, Owner

By: \_\_\_\_\_  
Tistrya Houghtling,  
Town Supervisor



# Addendum D

## AGREEMENT

THIS AGREEMENT, made on March , 2021 between the Town of New Lebanon (the "Town") a municipal corporation of the State of New York with offices at 14755 Route 22, New Lebanon, New York 12125 and Nassau-Shatford Youth Association (the "League") with an address of P.O. Box 808, New Lebanon, New York, 12125.

WHEREAS, the League has requested permission to use the baseball fields, concession stand, and related structures at Shatford Memorial Park (collectively, the "Fields") for practice and scheduled games between April 1, 2021 and the end of games and playoffs in calendar year 2021 (the "Season");

NOW, THEREFORE, it is mutually agreed:

1. During the Season, the League may use the Fields to host baseball games and practices in accordance with a schedule of games and practices to be provided by the League to the Town Clerk. The League may reschedule games and practices as necessary, including in the case of inclement weather, but shall provide notice to the Town Clerk of any rescheduled games or practices as soon as practicable, and in no case less than 24 hours before the start of the rescheduled game or practice.

2. The League agrees to the following as a condition of its permission to use the Fields:

a. The League shall obtain all required permits and approvals from the Columbia County Health Department to operate the concession stand and in the operation of such concession stand shall adhere to all applicable health department regulations, including as applicable, Part 14, Subpart 14-1 of the New York State Sanitary Code. All permits and approvals shall be filed in the Town Clerk's office before the concession stand may open for the season.

b. All fryers in the concession stand shall be covered with appropriate and approved covers when not in use.

c. The League shall place the bleachers in areas where they will remain for the entirety of the Season. Prior to doing so, the League shall coordinate with the Town, who will cause fabric to be placed in the identified areas to inhibit weed growth under the bleachers.

d. The League shall ensure that all netting will be no closer to the ground than 10 inches when netting is not in use for games and practices.

e. The League shall ensure that all fencing is securely affixed to posts throughout the Fields during the entirety of the Season.

f. No later than 2 weeks after the final game of the Season, the League shall thoroughly clean out the concession stand, remove all food and beverages therefrom, and turn off all coolers, freezers, the water heater, and other equipment.

g. No later than 3 weeks after the final game of the Season, all keys shall be returned to the Town Clerk.

Amstrong A

h. The League shall properly maintain the Fields, including all grounds, buildings, structures, and fencing, throughout the entirety of the Season.

i. Prior to undertaking any changes, renovations, or replacements, the League shall obtain permission for such changes, renovations, or replacements from the Town.

3. The League will indemnify and hold the Town harmless against any claim for damage which is made against the Town by reason of the use, maintenance or improvement of the Fields by itself or any of its participants or spectators, and shall hold the Town harmless for any expense in connection therewith.

4. The League shall maintain, in full force and effect, at its expense, commercial general liability insurance covering occurrences taking place during the Season and for a period of two weeks thereafter, with a coverage limit of \$1,000,000 per occurrence and \$2,000,000 general aggregate, and will cause the Town to be named as an additional insured thereunder. Prior to the Season, the League shall provide a proof of insurance to the Town Clerk naming the Town as an additional insured.

5. The League shall be solely responsible for providing all tools, equipment, fees, and personnel necessary to perform its obligations under this Agreement.

6. All notices to be provided hereunder shall be made to the following:

**If to the Town:**

Name: Marcie Robertson

Title: Town Clerk

Address: 14755 State Route 22

New Lebanon, NY 12125

Telephone: (518) 794-8888

Email: [townclerk@townofnewlebanon.com](mailto:townclerk@townofnewlebanon.com)

**If to the League:**

Name: Kimberly Powell

Title: League Treasurer

Address: P.O. Box 808

New Lebanon, NY 12125

Telephone: (518) 528-9803

Email: [kim\\_powell77@yahoo.com](mailto:kim_powell77@yahoo.com)

7. This Agreement may be terminated by the Town without notice in the event that the League, its participants, or its spectators shall fail to strictly comply with the terms and conditions of this Agreement.

IN WITNESS WHEREOF, this Agreement has been duly executed on the date and year written above.

**TOWN OF NEW LEBANON**

**NASSAU-SHATFORD YOUTH ASSOC.**

By: \_\_\_\_\_  
Tistrya Houghtling, Supervisor

14755 Route 22  
New Lebanon, New York 12125  
(518) 794-8889

[supervisor@townofnewlebanon.com](mailto:supervisor@townofnewlebanon.com)

By: \_\_\_\_\_  
Kimberly Powell

P.O. Box 808  
New Lebanon, New York 12125  
(518) 528-9803

[Kim\\_powell77@yahoo.com](mailto:Kim_powell77@yahoo.com)