

**MINUTES OF THE REGULAR MONTHLY MEETING OF
THE TOWN BOARD OF THE TOWN OF NEW LEBANON
HELD ON APRIL 13, 2021**

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

Absent: 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)
Doug Banker, Deputy Town Supervisor (online)
Ted Salem, ZBA & ZRC Chair
Theodore Timreck, Shaker Swamp Conservancy
Tom Gerety, Ethics Chair (online)
Robbie Wessen, Logo Designer
Jerome Shereda
Carol Reichert
Bill Wallace, Engineer
Adelia Moore, CSC
Elizabeth Sheffer-Winnig, Town Historian (online)
Jon Tingley, Town Attorney (online 10:08pm)

CALL TO ORDER:

The meeting was called to order at 7:04 pm by Supervisor Houghtling. A moment of silence was held, followed by the flag salute. The meeting was held in person at the New Lebanon Town Hall, 14755 State Route 22 North, New Lebanon, NY 12125, online via google meets and live streamed for the public at:

https://townhallstreams.com/towns/new_lebanon_ny

MINUTES:

The minutes of the **March 9, 2021 Regular Meeting, March 19, 2021 Special Meeting and March 29, 2021 Special Meeting** meetings were reviewed. A motion was made by Supervisor Houghtling, seconded by Councilmember Trainor and approved unanimously with the exception of Councilmember Newton who was absent 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 March 31, 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 Trainor to accept the Supervisor's report as typed. The motion was seconded by Councilmember Rasmussen.

Roll Call Vote:

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

PRIVILEGE OF THE FLOOR:

Supervisor Houghtling stated that she has received two emails for POF and will read it into the record:

Supervisor Houghtling read the following into the record:

Hi Tistrya,

Not sure how I do this, but I'd like to put in a plug for MOW drivers for CANAAN.

Jean Stelling is coordinator and needs drivers.

NL has a full roster; Canaan needs help!

For information:

Jean Stelling

email: Jmstelling1@gmail.com

Phone: 518-794-0157

Thanks,

Chris Dreyfus

Supervisor Houghtling stated that she will also send this information to the Town Clerk for an email blast.

Supervisor Houghtling read the following into the record:

Dear Supervisor Houghtling and Town Board Members:

No change on the abandoned guardrail components on Main Street. I have also noted that the reflectors on metal posts (which are a good idea) are falling over. Several are lying on the ground.

Doug Banker

Supervisor Houghtling stated that she will forward this along to Councilmember Newton, Highway liaison so that he can inform Highway Superintendent Winestock.

PRESENTATION ON SHAKER SWAMP:

Supervisor Houghtling stated that we have an exciting presentation on the Shaker Swamp and turned it over to Ted Timreck.

Ted Timreck gave a brief introduction to the video:

The story of the first pharmaceutical factory in America built alongside the medicinal wetlands of New Lebanon, New York. One of the rare documented instances in the Eastern United States where Native Americans taught the early settlers how to harvest the medicinal plants in the swamp.

To view the video please go to the following link and take a look. This is an introduction to what Ted hopes to be a more formal educational piece.

<https://vimeo.com/514507342>

BUDGET AMENDMENT #3 OF 2021:

Supervisor Houghtling stated that we have \$36,313.00 that was allocated for the pavilion bathrooms and was put into a capital reserve account but was not brought forward into the current budget. The bathrooms are now being worked on and finished this year, so we needed to bring that money over.

Supervisor Houghtling stated that we have a filing cabinet for the Building Department that was not budgeted for that needed to be purchased.

Supervisor Houghtling stated that we had \$10,000 in state aid that we didn't know we were getting for the Comprehensive Plan.

General Fund:

\$36,313.00	from A-003918 (Appropriated Reserved Fund Balance)
\$ 145.00	from A-8664.2 (Code/Zoning - Equipment)
\$ 565.00	from A-1990.4 (Contingency)
\$10,000.00	from A-03910 (State Aid)
\$ 36,313.00	to A-7140.42 (Pavilion Bathroom)
\$ 355.00	to A-8010.2 (Zoning - Equipment)
\$ 355.00	to A-8020.2 (Planning - Equipment)
\$10,000.00	to A-8010.41 (Comp Plan – Cont. Expense)

Highway Fund:

\$20,855.00 from DA-3501 (State Aid - CHIPS)
\$20,855.00 to DA-5112.22 (CHIPS – Extreme Winter Recovery)

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

Roll Call Vote:

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

ABSTRACT AMENDMENT:

Supervisor Houghtling stated that we had two typos on the last Highway abstract. Voucher #25 was off by \$.01, should have been \$17,083.33 and the board approved \$17,083.32 and there was a mis-entry on voucher #26 and the amount of \$19,285.68 didn't get included in the amount to be paid out.

A motion was made by Supervisor Houghtling to amend Highway voucher #25 to \$17,083.33 with \$16,666.66 from DA-9710.6 and \$416.67 from DA-9710.7 and to amend Highway Abstract #3 to a total of \$60,468.27 The motion was seconded by Councilmember Trainor.

Roll Call Vote:

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

AUDIT OF BILLS:

2021 BILLS:

General Nos. 88 through 125, in the amount of \$34,770.33;
Highway Nos. 28 through 39, in the amount of \$53,527.19; and
Escrow Nos. 8, in the amount of \$75.00;
As listed on Abstract No. 4 dated April 13th, 2021.

A motion was made by Supervisor Houghtling to pay the bills. The motion was seconded by Councilmember Trainor.

Roll Call Vote:

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

OLD BUSINESS:

Town Logo:

Robbii Wessen, professional designer, presented the Town Board with three different logo ideas. He explained why the logo we gave him wouldn't look good and he explained why a logo has to be simple and abstract in their design. The logo has to be able to look good in smaller and larger sizing. They also have to look good in black and white.

The Town Board will send out the three choices to the residents to get votes on which design they like. The Town Clerk will send out an e-mail blast and post to the Town Website.

See attached Addendum A for the three options.

Highway Asset Management Plan:

Councilmember Rasmussen stated that there is no update.

Cover for Highway Garage Fuel Tank:

Supervisor Houghtling stated that this is a Councilmember Newton update, and he is not here, so no updated at this time.

Proposed LL#1 of 2021 – Chapter 71:

Supervisor Houghtling stated that if there is a motion to be made it should come from another board member not her because if passed it authorizes her as Supervisor to do things.,

A motion was made by Councilmember Rasmussen to enact Introductory Local Law No. 1 of the year 2021 as Local Law No. 2 of the year 2021 and to authorize and direct the Town Clerk and Town Supervisor to transmit such local law to the New York Secretary of State for filing in accordance with the Municipal Home Rule Law. The motion was seconded by Councilmember Gordon.

Roll Call Vote:

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

See Addendum B for Introductory Local Law #1 to become Local Law #2 of 2021.

Pavilion Bathroom Contract Amendment:

Supervisor Houghtling stated that all of the supplies have been ordered, the partitions were received today. She stated that Bill Banker has been busy at the pavilion bathrooms, he sent an e-mail update today that Supervisor Houghtling read into the record.

The bathrooms are coming along. The plumbing rough in is complete. The electrical rough in is complete. Hanging drywall at this point which will be complete by Thursday. The weather still is not compatible with applying FRP panels. It looks like the first or second week in May will be when the temperatures stay above 50 degrees at night. So, at this point I will again ask for another extension to the completion date. If possible, the end of May should be sufficient.

Thank you

William Banker

Supervisor Houghtling stated that she thinks this is great, there has been great progress and we are really just waiting on the weather at this point.

A motion was made by Councilmember Trainor to extend the pavilion bathroom contract to the end of May. The motion was seconded by Supervisor Houghtling.

Roll Call Vote:

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

Land Donation Offer:

Supervisor Houghtling stated that she and Councilmember Newton went and walked the property today. She stated that there is a culvert that goes under the road and starts at the property, right where the parking lot would go that Councilmember Newton said could be a sleuth for kayaking, there could possibly be a swim at your own risk, swim area. She stated that there is enough space between Route 20 and where the flood plain area starts that could be a parking lot.

Supervisor Houghtling stated that there is not a lot of work to be done, they very easily walked the area. She stated that volunteers could hopefully clear out the bramble and make a nice walking path right down to the Wyomanock River for the potential of swimming, fishing, kayaking, etc.

Supervisor Houghtling stated that there is a potential down the road to build a walking bridge over the river to the area of the property that is past the flood plain section of the property. She stated that in the future there is the potential of laying a concrete pad there for biking, skateboarding, roller skating and even having the ice rink there in the winter. She stated that fifteen to seventeen of the acres it looks like is the back piece outside of the

flood plain. It would not be accessible by car, would have to be a foot bridge.

Supervisor Houghtling stated that all of the taxes are paid up to date. She stated that there is no record of contamination, red flags or areas of concern on the property file. She stated that she would like the Town Board to accept the generous offer of thirty-three acres of land with the future intent of putting in a parking lot and eventually developing the area into a recreational spot.

Supervisor Houghtling stated that there is often concern from residents about removing a piece of property from our tax rolls. She stated that she checked into the taxes on the property and it is a total of approximately \$470.00 a year.

Supervisor Houghtling stated that the property is not really a developable piece of business property due to the flood plain area. She also stated that it is the perfect way to bring some town activity to the West end of the town.

Councilmember Trainor stated that he liked the idea and he agreed that getting more activity towards the west end of town would be great.

Councilmember Rasmussen stated that he thought it was a great idea.

Councilmember Gordon asked if the Rail Trail goes through this piece of property?

Supervisor Houghtling responded that yes it does and that is actually how this piece of property came to be offered to the town, but that section is actually owned by someone else. She stated she is working on potentially obtaining that piece as well because without it, we won't be able to access the back half of the property.

A motion was made by Supervisor Houghtling to move forward with connecting our Town Attorney with the current property owner's Attorney to start the next steps on acquiring the property while she reaches out to the property owner that owns the strip of property along the old railbed simultaneously. The motion was seconded by Councilmember Gordon.

Roll Call Vote:

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

Federal Funding for Towns:

Supervisor Houghtling stated that we are still waiting for guidance from the Treasury and until that guidance comes out, this is really just a preliminary brainstorming session among the Town Board members.

Supervisor Houghtling stated that because it is such a large amount of money that is to benefit our community and the negative effects of COVID, she thinks that it is important to get some public involvement once the guidance comes out.

Councilmember Rasmussen stated that he thinks the money could be used for residents that were unemployed and have been financially impacted due to COVID to assist with past due rent or mortgage payments.

Councilmember Trainor stated that he also agreed with Councilmember Rasmussen's ideas and he thought that businesses in town that have suffered losses due to the COVID could be assisted with this money.

Councilmember Gordon stated that while she agrees with Councilmember Rasmussen, she thinks there will be enough money to go around in several directions, she would like to see the town consider getting started in meeting our short comings in infrastructure.

Supervisor Houghtling stated that she agrees with infrastructure investments in getting broadband service throughout the entire town.

Supervisor Houghtling stated that once the specific guidelines have been issued on how the spending of this money can be used, we should have a public input session.

The Town Board members agreed.

Intermunicipal Agreement for Highway Work:

Supervisor Houghtling stated that at the last meeting the Town Board authorized Supervisor Houghtling to enter into this agreement on behalf of the town for 2021. When she went to send it in, they advised her this contract is for 5 years (5/1/2020-4/30/2025) and signatures were delayed due to COVID. If the Town Board is still interested, she will need a motion authorizing her to sign the agreement for the new timeframe.

A motion was made by Councilmember Rasmussen authorizing Supervisor Houghtling to sign the Intermunicipal Agreement from May 1st, 2020 through April 30th, 2025. The motion was seconded by Councilmember Gordon.

Roll Call Vote:

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

LVPA Internet Upgrade for Meetings

Supervisor Houghtling stated that at the last meeting the Town Board asked her to look into internet access at the LVPA for the upcoming Public Hearing, Special Meeting and any other meeting to be held at the LVPA such as the Planning Board meetings, etc.

Supervisor Houghtling stated that they did move forward on this and there is a one-time installation fee of \$250.00 and the difference of what the LVPA currently pays for their non-fast internet to the speed needed to be able to Livestream any meetings is \$85.00 per month.

Supervisor Houghtling stated that there needs to be a motion made for the town to sign an agreement to the LVPA that the town agrees to pay the installation fee and the additional \$85.00 a month via a voucher for as long as the town needs to use the LVPA for meetings on a regular basis.

Supervisor Houghtling stated that we can discontinue the agreement in writing when necessary.

A motion was made by Councilmember Trainor to authorize Supervisor Houghtling to sign the proposed agreement on behalf of the town with the LVPA. The motion was seconded by Councilmember Rasmussen.

Roll Call Vote:

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

NEW BUSINESS:

Request from New Potential Business on Darrow Road:

Supervisor Houghtling stated that we have a request from a new potential business located on Darrow Road. They went in front of the Planning Board and it was recommended that they approach the Town Board about possibly re-zoning the area. A use variance has very specific requirements that would not be met here, so re-zoning in some capacity may be the only way forward. There are already multiple venues in this area that pre-date zoning (Darrow, Mt. Lebanon, The Abode, Tannery Pond, etc). The BEDC has recommended that the Town Board move forward with zoning amendments to allow this business to develop on Darrow Road. If the Town Board is open to the possibility, the next step would likely be to send the request to the ZRC to determine the best path forward.

Bill Wallace, Engineer for the applicant stated that he thinks a historic overlay zone might be the easiest thing for the town to do versus redistricting it into a new zone and creating a new zone.

The Town Board and Bill Wallace held discussion regarding the different options.

Monte Wasch, Chair of the BEDC stated that the BEDC is very excited because the proposers of this venture will be using local resources in this potential business and strongly supports this project.

A motion was made by Supervisor Houghtling that the Town Board refers this possibility of looking at a zoning change on Darrow Road area to the Zoning Rewrite Committee. The motion was seconded by Councilmember Trainor.

Roll Call Vote:

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

Resolution for Business & Economic Development Committee:

Supervisor Houghtling stated that we have a Resolution request from the BEDC to increase the number of members to seventeen.

Supervisor Houghtling read the following resolution:

TOWN OF NEW LEBANON

RESOLUTION #16, 2021

INCREASING THE NUMBER OF BEDC MEMBERS TO 17

APRIL 13, 2021

At the regular monthly meeting of the New Lebanon Town Board, held at the New Lebanon Town Hall, 14755 State Route 22, New Lebanon, New York and online via google meets and viewed by the public via live stream, duly called and held on the 13th day of April 2021, the following Resolution was proposed and seconded:

Resolution by Supervisor Houghtling

Seconded by Councilmember Trainor

INCREASING THE NUMBER OF BEDC MEMBERS TO 17

WHEREAS, the Town of New Lebanon established a Business and Economic Development Committee (BEDC) by Motion in March 2020, and in August 2020 with Resolution #22 of 2020; and

WHEREAS, the Resolution did not fix a number of members for the BEDC; and

WHEREAS, the BEDC has requested that the Town Board set the membership number to 17, consisting of 15 members of the public appointed by the Town Board, plus the Supervisor and one Town Board member,

IT IS HEREBY RESOLVED that the Town Board of the Town of New Lebanon fixes the membership number of the BEDC to 17 and appoints the current members of the BEDC plus the Supervisor and one Town Board member assigned by the Town Board.

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

Roll Call Vote:

Councilmember Norman Rasmussen	Aye
Councilmember Deborah Gordon	Aye
Supervisor Tistrya Houghtling	Aye
Councilmember Jesse Newton	Absent
Councilmember John Trainor	Aye

The Resolution, having been approved by a majority vote of the Town Board, was declared duly adopted by the Supervisor of the Town of New Lebanon.

Dated: April 13, 2021

Marcie Robertson, Town Clerk

Town of New Lebanon

Community Project Funding Grant for Broadband:

Supervisor Houghtling stated that she was approached by the Chair of the Ghent Broadband committee to be included in an application to Delgado’s office for a community project funding grant for broadband coverage in NL where there is none. The four towns of NL, Canaan, Austerlitz and Ghent would work together to apply for this funding to provide broadband coverage to all unserved or underserved households in these towns. She stated, they are working with Consolidated and Spectrum on a cost to do this and the grant would be a split of some amount where the utility would pay for the installations and upgrades then would be reimbursed at some percentage (50%, 70%, etc) through the grant funding and potentially some funding from the four towns, maybe some of our federal funding or maybe a budget line. This grant would not come through until 2022. Applications are due April 15th, 2021 and she is looking for authorization to apply with these three towns for this grant funding.

Supervisor Houghtling stated that here is no commitment on our part to expend town funds at this time. If we are approved, we can see how much we will be expected to contribute and decide to move forward or not. She stated that this would be a very appropriate COVID related expense for the federal funding but that doesn’t mean we have to spend it on broadband.

Doug Banker, Chair of the Broadband Committee stated that last year the Broadband committee tried to map the current status of broadband in the town. There were articles in the Town Newsletter and in Grow the Valley to try to get residents to report back to Doug about what they had or didn't have for internet service and for what they wanted to have. Doug stated that unfortunately, the response was not very good.

Doug Banker stated that this grant money could possibly provide seed money to entice the current internet providers to expand broadband in areas that do not currently have it. Doug stated that there is interest with both Consolidated and Charter to cooperate with the town on this project.

A motion was made by Councilmember Rasmussen to authorize Supervisor Houghtling to apply for the Community Project Funding Grant through Congressman Antonio Delgado's office with the towns of Ghent, Austerlitz, and Canaan. The motion was seconded by Councilmember Trainor.

Roll Call Vote:

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

Credit Card Policy Review & Amendment – Home Depot Credit Limit:

Supervisor Houghtling stated that have to review all town policies annually.

Supervisor Houghtling stated that at the last meeting the Town Board authorized her to purchase whatever Banker Enterprises needed to complete the bathrooms and to set up whatever accounts were necessary. Supervisor Houghtling stated that she had to increase the Home Depot credit limit from \$750.00 to \$5,000.00 to make the purchase that Banker Enterprises needed.

Supervisor Houghtling recommends that we amend the Credit Card policy to reflect the Home Depot change from \$750.00 to \$5,000.00 and on page 2 of the policy we amend the statement in paragraph four to state "The credit limit on any given credit card shall not exceed \$5,000.00. The aggregate limit on all credit cards shall not exceed \$15,000.00", from the current amounts of \$2,500.00 and \$7,500.00.

Supervisor Houghtling stated that per our Town Attorney's recommendation, the amendment of the Credit Card Use Policy has to be retroactive back to March 10th, 2021.

A motion was made by Councilmember Trainor to amend the Credit Card Use Policy to increase the Home Depot credit card limit to \$5,000, to change the credit card limit on any given credit card to \$5,000.00 and to increase the aggregate limit to \$15,000.00 with an effective date of March 10th, 2021. The motion was seconded by Councilmember Gordon.

See Addendum C for updated Credit Card Use Policy.

Policy Review – Ethics Code & Travel Policy:

Ethics Code:

Supervisor Houghtling stated that the Ethics Code is one of the codes that is in our legislation and if there are any changes to be made, they will need to be made by a Local Law. The Town Board talked about reviewing the Ethics Code last year but they did want the Ethics Board to have input on this. The Ethics Board was able to meet this year and they went through the Ethics Code line by line and they have made the following recommendations to the Town Board:

Lettered sections A through G elicited much discussion from all members but few suggestions of revision. Member Wayne Martin suggested that the term "any person" replace gendered references throughout. All agreed.

The Town Board agreed to the suggested change in the Ethics Code referring to any gender reference.

Section 16-6 D, makes reference to the "accept[ance] of other employment which will impair his independence of judgment in the exercise of his official duties." Chair Thomas Gerety and Member Nina Keller were concerned about the vagueness and imprecision of this (as well as other phrases in later articles).

Member Keller, joined by Chair Gerety, felt this sentence should be deleted. She suggested, instead, amending G as follows: "G. No town officer or employee shall ACCEPT OTHER EMPLOYMENT OR engage in any transaction as a representative or agent of the town with any business entity in which he has direct or indirect financial interest that might reasonably tend to conflict with the proper discharge of his official duties."

However, Member Martin joined by Members Tefoe and Smith wanted to keep the 'impairment' language of D in the Code, requiring the Board members to evaluate what might or might not constitute an impairment of fair and impartial judgment. Member Tefoe had experience of the usage from an estate matter.

The Town Board agreed to defer to the Town Attorney regarding any suggested changes to Section 16-6 D and G.

Subsections E, F and H elicited discussion but no disagreement among members and no suggestions of changes in the Code.

Subsection I drew the most attention from the Board members as well as from Councilmember Rasmussen. It reads: "Each Town officer or employee shall pursue a course of conduct which will not raise suspicion among the public that he is likely to be engaging in acts that are in violation of his trust." Member Tefoe argued for the wording's appropriateness. Councilmember Rasmussen suggested that an employee might well have personal failings while performing good work for the Town. Chair Gerety and Member Keller agreed with Rasmussen that 'suspicion' of this sort should not be included in the Code: it seemed to them vague and ill defined, thus inviting trivial or malicious complaints. Gerety suggested that only well-founded suspicion of criminal behavior should be grounds for a complaint. Nonetheless, the majority of the Board supported this language, despite the objections of Keller and Gerety.

Tom Gerety, Chair of the Ethics Board stated that in a town like New Lebanon, there are bound to be conflicts and suspicions all around a lot with gossip and discussion. He stated that to simply say that "raised suspicion" is sufficient for a serious Ethics investigation or complaint, seems to him, to invite trivial or malicious complaints that do not rise to the level of serious conflicts of interest or serious ethical failings.

Tom Gerety, Chair of the Ethics Board stated that as a lawyer and law professor, law is always going to be subject to reasonable judgment, to balancing, to what do you make of the notion of independence of judgement or suspicion, there is no escaping that. Tom stated that you can't have a statute or an ethics code that is so specific that it gets to everything in a very definite way. Tom stated that again and again at looking at this Ethics Code, he would argue for reducing ambiguity and vagueness and insisting on a serious complaint, seriously backed by evidence.

The Town Board agreed with Tom Gerety, Ethics Board Chair and Nina Keller, Ethics Board member in regard to the use of the word "suspicion" being loosely used in the Ethics Code.

The remaining subsections seemed satisfactory to all members, with one exception: Member Keller was skeptical of two terms in Subsection L, namely 'member of [the same] household' and 'relative' at L 3 and L 5. She argued that both terms, while common, are difficult to interpret with precision—especially nowadays. "Who is a relative?" she asked, suggesting that, for instance, distant cousins or in laws are relatives yet might not present any substantial danger of nepotism or conflict. After discussion, the Board consensus was that no more precise terms or phrases were workable in this context and thus the Board would have to be judicious in interpreting them.

Supervisor Houghtling stated that she recalls in the State Law, there is very clear definition. Supervisor Houghtling and the rest of the Town Board agreed that this was covered and discussed at trainings and it was very clear defining who is considered a relative.

Tom Gerety, Ethics Board Chair stated that it would be good to have a clarification in regard to romantic partners as well.

Chair Gerety suggested that the Town Board should add language requiring definite identification of witnesses, of dates and circumstances in any complaint. Moreover, he felt that deliberations this year had made it clear that hearsay--second hand information--should never be an acceptable basis for an ethics investigation under the New Lebanon Code. These points seemed to be agreeable to all members. Member Martin summarized this consensus as demanding the 'who, what, when and where' in all complaints.

The Town Board agreed with Tom Gerety, Ethics Board Chair and the Ethics Board members that the Town Board should add language requiring actual facts of complaints, i.e.: witness, date, time, etc. and that second hand and hearsay should not be acceptable in filing an Ethics Board complaint.

Supervisor Houghtling stated that Tom Gerety, Ethics Board Chair, who is an attorney and has a lot of experience in ethics and constitutional law personally made the following recommendations to the Town Board:

- 1. Complaints based on hearsay should not be acceptable or pursuable.***
(The Town Board already agreed to this)
- 2. Thus, all complaints should provide named witnesses and clearly identified times, places and contexts for the behavior in question.***
(The Town Board already agreed to this)
- 3. Complaints should not recycle already adjudicated conduct, that is, if one person has complained of behavior and the case has been investigated and decided, another person should not be allowed to re-submit that complaint--or one substantially identical-- for re-adjudication. (In law this is called res judicata, Latin for 'the matter was already adjudicated.)***

Supervisor Houghtling and the Town Board agreed with Tom Gerety, Ethics Board Chair that complaints should not be recycled or repeated.

- 4. I would like the Board to remove the vague 'suspicion' language so that complaints in the future will not be based on mere notions or suspicions held by members of the public.***
(The Town Board already agreed to this)

Supervisor Houghtling stated that she likes how Tom Gerety, Ethics Board Chair summarizes his recommendations to the Town Board.

The important points in all of this are that complaints should be: a. serious and substantial; b. identified and witnessed first-hand; and c. novel or new.

Tom Gerety, Ethics Board Chair thanked the Town Board for paying attention.

Supervisor Houghtling stated that she wanted to review the items of concern from the Town Board regarding the Ethics Code.

Supervisor Houghtling addressed the issue of the Chair position on the Board of Ethics, who appoints the Chair position and what is the position of the Chairperson and that it should be clearly defined in the Code of Ethics. The Town Board agreed that this should be defined.

Tom Gerety, Chair of the Ethics Board mentioned that it should be clear as to who appoints the Chair of the Ethics Board, whether it is the Town Board or the Ethics Board themselves.

Supervisor Houghtling stated that for all other boards, the Town Board appoints the chairs of the other committees, with the input of the existing members of the committees. The Town Board agreed that the Town Board should appoint the Ethics Board Chair.

Supervisor Houghtling addressed the issue of where Ethics complaints are to be filed. In the past and to date, they are filed with the Office of the Town Clerk. However, nowhere in the code of Ethics states that this is the place of filing. She stated that to protect the Town Clerk Office and to follow proper filing procedures that it should be clarified and defined in the Code of Ethics where complaints are to be filed.

Supervisor Houghtling addressed the topic of behavior of any Ethics Board member and members having the ability to make fair judgements on any ethics complaints that may be filed. As well as the Town Board having the ability to remove any member who may not represent the Ethics Board in a fair, impartial and professional manner. Supervisor Houghtling referred to Tom Gerety, Chair of the Ethics Board to see if this topic was addressed by the Ethics Board at their meeting.

Tom Gerety, Chair replied that there was glancing discussion at their meeting and it was very clear to him that he was unable to get a majority from the board to make any changes.

Supervisor Houghtling addressed Councilmember Rasmussen regarding the suggestion, that had originally come from him and if he had anything he'd like to say or add to it.

Councilmember Rasmussen stated that as far as he is concerned, he is ready to just let it go.

Supervisor Houghtling stated that the Town Board asked the Ethics Board for their input, but that the Town Board creates the legislation. She asked if any Town Board members had anything to add or how they felt about the issues addressed by the Ethic Board Chair.

The Town Board held further discussion about the Code of Ethics regarding several topics, such as; the conflict-of-interest rules not applying to temporary members, lack of reference to conflicts of interest of all committee members on all boards or committees, training and education for ethics board members.

Supervisor Houghtling stated that she will make some of the easier changes that have been agreed upon making before sending it to the Town Attorney for the sections that they want his input on and report back on this at the May meeting.

Travel Policy:

Supervisor Houghtling stated that she reviewed the whole policy, she doesn't have any amendments but wanted to point out in section A regarding the Board giving prior approval for travel expenses.

General Policy

- A. *No travel expenses of any kind shall be reimbursed without prior approval of the Town Board. The department head shall submit the request to the Town Board and shall include in the request whether the training is required or recommended. The Board may give blanket prior approval for travel expenses, such as mileage and meals, incurred in the performance of duties by employees normally required to travel, such as inspectors or enforcement officers.***

Supervisor Houghtling stated that she had the Assessor come to her regarding the prior approval for her travel expenses that she submits, and was she supposed to be getting prior approval.

Supervisor Houghtling stated there are certain departments that always submit for mileage reimbursement. The minutes could be searched to see if the Town Board had at one point given blanket approval for this, but she thinks it might be better to amend the wording of this paragraph to state that the Town Board gives blanket approval for stated departments or positions for mileage reimbursement. Supervisor suggested the amended wording and the Town Board agreed.

A motion was made by Supervisor Houghtling to amend the Travel Policy to state in paragraph one under General Policy, section A. The Board gives blanket prior approval for mileage expenses incurred in the performance of duties by the following positions; Court Clerk, Deputy Court Clerk, CEO/ZEO/Deputy CEO, Assessor, Town Clerk, Deputy Town

Clerk, Tax Collector and Town Supervisor. The motion was seconded by Councilmember Trainor.

Roll Call Vote:

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

See Addendum D for updated Travel Policy

Town Clean Up Day:

Supervisor Houghtling stated that Cissy Hernandez has agreed that we could potentially hold a town clean-up day in late August or early September. County Solid Waste can provide the dumpsters. Cissy has reached out to Highway Superintendent Winestock to see if he has a preference of dates and if he and his guys are willing and able to help out again this year with the backhoe. Supervisor Houghtling stated that per Cissy, Highway Superintendent Winestock is not interested in helping this year and would prefer to not have it go behind the highway garage if possible, as they end up with a lot of nails and other debris back there. Supervisor Houghtling stated that we can try to come up with an alternate route and if we can't re-route it, we should ensure we have a clean-up team with magnets picking up all nails and other debris. As for a backhoe, we could hire Daren Kidney at his contracted rate for backhoe and operator. Supervisor Houghtling stated that she has had a lot of residents reach out with interest in a town clean-up day, if we want to hold a town clean-up day, following all COVID safety protocols, the goal would be to set a date so it can be advertised in the May 1st newsletter as a save the date announcement with more details to come in the August newsletter.

The Town Board agreed to move forward with the planning of a town clean-up day and having Supervisor Houghtling get the date set and organized with County Solid Waste to go out in the May newsletter.

Pavilion Rentals:

Supervisor Houghtling stated that the Town Clerk's office has had inquiries about if the Shatford Park Pavilion will be available for renting this summer. Supervisor Houghtling stated that we will check with our insurance company to make sure we follow any special requirements with regard to following COVID safety protocols, we will have something in writing for the renters to sign that they agree to follow the COVID safety protocols.

The Town Board agreed to go forward with the renting of the pavilion.

Supervisor Houghtling stated that the Lebanon Valley Women's Club would like to use the

pavilion in June and they were planning on asking the Town Board to waive the rental fee.

Supervisor Houghtling stated that the Town Board passed a Resolution in June of 2019, adopting a pavilion fee waiver policy for local organizations that are funded by taxpayer dollars as well as other specific organizations including local churches and schools. The resolution names out the groups and organizations that have fees waived.

Supervisor Houghtling stated that the Women's Club is happy to pay the rental fee.

Music in the Park and Community Picnic:

Supervisor Houghtling stated that we now have a full Recreation Commission and a new Chair and they are ready to get going on summer events in the park. Supervisor Houghtling stated that we did fund for Music in The Park and the Community Picnic. Supervisor Houghtling stated that residents are looking for safe, outdoor things to do this summer. Supervisor Houghtling stated that she was thinking that maybe we just do two events this year.

The Town Board agreed to move forward with the planning of the Music in The Park and the Community Picnic and for Supervisor Houghtling to work with the Town Clerk's Office for the dates available for the use of the pavilion, and to have it go out in the May newsletter.

Doug Banker stated that he thinks due to COVID related concerns that August and September would be better because most of the musicians that he has talked to are interested but will feel more comfortable towards the later part of the summer or early fall.

Columbia Greene Workforce Program:

Supervisor Houghtling stated that they can provide free staffing for the Town both in our summer camp and park or town hall. It provides jobs to youth in our community (ages 14-20) whose families are below the poverty level at minimum wage (\$12.50/hr). Supervisor Houghtling stated that Michelle Bienes, Summer Youth Program Director, would like to use as many as we can get for the additional counselors that will be needed for COVID safety. There is going to be a need for things such as smaller groups, disinfection, health screenings, etc. If they have any applicants interested in park or labor work or office/clerical work, we could also use them in the park and/or town hall offices.

Supervisor Houghtling stated that in order to accept any employees through this program, she will need authorization to sign the worksite agreement. Michelle Bienes, SYP Director will work with the school to identify students who might benefit from this program. Supervisor Houghtling stated that the town would not be their employer as they would work for and be paid by Columbia Greene Community College but perform their duties for the town.

A motion was made by Councilmember Trainor to authorize Supervisor Houghtling to sign and enter into the Worksite Agreement with Columbia Greene Community College. The motion was seconded by Councilmember Rasmussen.

Roll Call Vote:

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

Town Sign Up for Community Solar Provider & Authorization to Bill CC:

Supervisor Houghtling stated that now that the community solar program is up and running, she would like authorization to sign the town's NYSEG bill up for the community solar. She stated that due to the way they bill, we would need authorization to put it on the town's credit card, which would then be approved for payment at each Town Board meeting. Supervisor Houghtling stated that there is an estimated 10% savings on our NYSEG bill and there is a 3% fee for using a credit card, so we would save around 7% overall.

A motion was made by Councilmember Trainor to authorize Supervisor Houghtling to sign the town's NYSEG bill up for the community solar and to put it on the town's credit card and to be approved for payment at each Town Board meeting. The motion was seconded by Councilmember Gordon.

Roll Call Vote:

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

MIS Shared Services Agreement:

Supervisor Houghtling stated that nothing has changed from last year, she just needs authorization to sign the shared services agreement with County MIS for 2021 for them to continue providing our IT services.

A motion was made by Councilmember Gordon, seconded by Councilmember Trainor and approved unanimously with the exception of Councilmember Newton who is absent, to authorize Supervisor Houghtling to sign the shared services agreement with County MIS for continued IT services for 2021.

Letters of Interest for CAC and CSC:

Supervisor Houghtling stated we did not receive any letters of interest for the CAC. She stated that we received one letter of interest for the CSC from Kris Cottom.

Supervisor Houghtling asked Steve Powers, CSC Chair if he had any input. He stated that he did read her resume and she looks perfect for the Climate Smart Task Force.

A motion was made by Supervisor Houghtling, seconded by Councilmember Trainor and approved unanimously with the exception of Councilmember Newton who is absent, to appoint Kris Cottom to the Climate Smart Task Force.

Deputy Court Clerk Vacancy – Advertise for Letters of Interest:

Supervisor Houghtling stated that the court is requesting a replacement Deputy Court Clerk for the vacancy left when Cynthia Creech resigned. She stated that the court is starting to re-open and they need the 2nd position again. The starting rate is \$13.50 per hour and the position is up to 20 hours per week.

A motion was made by Supervisor Houghtling, seconded by Councilmember Trainor and approved unanimously with the exception of Councilmember Newton who is absent, to advertise for letters of interest for the Deputy Court Clerk position at the rate of \$13.50 per hour for up to 20 hours per week, with letters of interest due by 4:00 PM on Tuesday, May 4th, 2021 with letters to be submitted to the Court.

ZRC Addition:

Supervisor Houghtling stated that Elizabeth Brutsch would like to join the Zoning Rewrite Committee (ZRC) and the ZRC would like her to join. Supervisor Houghtling stated that neither Planning Board representative on the ZRC currently wants to step down. She stated, that since the Planning Board is a seven-member board, having three members on the ZRC would not create a quorum, so we can add her without removing one of the other members.

A motion was made by Supervisor Houghtling, seconded by Councilmember Trainor and approved unanimously with the exception of Councilmember Newton who is absent, to add Elizabeth Brutsch to the Zoning Rewrite Committee as an additional member from the current membership.

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 he has no news to report at this time.

Business & Economic Development (Councilmember Gordon):

Supervisor Houghtling stated that she didn't think there was anything else to report for the BEDC tonight. Monte Wasch, BEDC Chair attended in person tonight for the BEDC Resolution, the application to support a new potential business on Darrow Road and the Town Logo.

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

David Farren, CAC Chair stated that the New York State Department of Health will be testing 21 private wells across the town this week. The tests are made possible by a grant from the Centers for Disease Control. Results should be available within two weeks and will give us a baseline on water quality throughout the town. Steve Winkley of the New York Rural Water Association is still working on his Source Water Protection Plan for the town and will find the NYSDOH results helpful.

The CAC would like to apply by the April 30th deadline for a Hudson River Estuary Program grant for free technical assistance on Critical Environmental Areas and in fact has been invited to do so. The application is straightforward and New Lebanon qualifies. If we are awarded the assistance, we would not be obligated to have the Town Board approve a CEA. However, it would be good to have the Town Board on record as supporting our application.

A motion was made by Supervisor Houghtling, seconded by Councilmember Gordon and approved unanimously with the exception of Councilmember Newton who is absent, to authorize the CAC to apply for Hudson River Estuary Program grant for free consulting on critical environmental areas by the April 30th, 2021 deadline.

Regarding the Trees for Tribes project in Shatford Park, delivery of the potted seedlings has been scheduled for May 27th and the 28th if necessary and volunteers could begin planting on the 28th. We will reach out to Norman Rasmussen for help in recruiting volunteers. We have yet to receive their planting plan but have been assured they will provide two auger operators to dig 500 holes in one day, the lion's share of the labor.

It would be good to have topsoil and starter fertilizer available for amending the soil. We recommend that a dump truck load of topsoil be delivered to the town and other uses be found for any leftover soil. Deb Gordon has expressed interest in using it for planting raspberry bushes along the stream. Once we receive the planting plan, expected later this week, we will schedule a walkthrough with Jesse Newton and Donnie Sears. I estimate the costs to be \$450 and would like the Town Board to approve that amount.

A motion was made by Supervisor Houghtling, seconded by Councilmember Rasmussen and approved unanimously with the exception of Councilmember Newton who is absent, to

authorize the CAC to spend up to \$500.00 on the materials required for the Trees for Tribes program to be paid out of the Parks .4 budget.

The Hudson River Estuary Program has announced a deadline of June 2nd for grant applications to assist the town in revising our current Open Space Inventory from 2014 and moving forward with an Open Space Index to be certified by the town. The minimum grant would be \$10,000 over two years. The 2014 OSI is closely tied to the 2005 Comprehensive Plan. Our experience with Grants Gateway applications is that awards are not announced until November and contracts not finalized until January, which would be in keeping with the availability of an updated Comprehensive Plan. Therefore, the timing for the grant, should it be awarded, would work well. Updating New Lebanon's OSI with a view towards creating a first ever Open Space Index for the town does qualify for the grant.

Supervisor Houghtling stated that she would like David Farren, CAC Chair to send the Town Board information prior to the May meeting so that the board can review it and put it on the May meeting agenda.

Steve Powers, CSC Chair stated that since we achieved Bronze status, the CSC has been asked for advice from neighboring towns to help them on their road to Bronze and they are happy to help. A few weeks ago, Steve and Marc Anthonisen participated in a Regional CAC Roundtable giving a review of their experience and lessons learned.

Steve is working with Town Clerk Robertson to apply for the first of hopefully many grants from NYSERDA.

Their Community Solar project is underway and we will have our 3rd event to explain the program on Earth Day April 22 virtually via the library. They encourage all of you to attend and as an inducement to sign up Ampion is now offering a \$100 gift card to each residence that enrolls in addition to the \$100 donation to the town solar panel fund and you'll get 10% off your electric bills. Ampion has also agreed to cover the cost of reusable shopping bags that will have our CSC logo on one side and encourage community solar signups.

Their bike program will roll out the latest free refurbished offerings for residents on Earth Day on our Facebook groups. The Free Store is still offering clothing from a rack next to Dollar General and accepting donations at Town Hall.

They have a subcommittee looking into setting up a Repair Café that will repair mechanical devices, electronics, toys etc so they don't end up in a land fill. They are looking at doing this in conjunction with other neighboring towns.

Their Cornell Master's Degree students are working hard preparing a vulnerability assessment for New Lebanon. They may reach out to many of you for your opinions on what the current and future threats are to the town and we hope that you will agree to participate so they get as broad a perspective as possible.

Bruce Shenker, Environmental Management stated that there are a few upcoming events that may be of interest as follows:

County Natural Resources Inventory training available on May 17 and 19, will be online. Details will be passed along via the town email and the Town Website.

Zero Waste Columbia will do a session on yard waste composting on Zoom May 6 on zoom sponsored by Columbia County library association. Facebook

Link: <https://www.facebook.com/AusterlitznyClimate-Committee-104829734594699>

Also, there is planning from Zero Waste Columbia for a repair cafe. New Lebanon Climate Smart is also involved. Details to follow

Good Earth keeping awards are accepting nominations. This is an award for an individual or organization that has done exceptional work for the environment in the past year. Once again details to follow.

Bruce Shenker was very proud to announce to the EMC the fact that New Lebanon Climate Smart has achieved bronze status.

The County Climate Smart Task Force is going to have an initial meeting April 29th, 2021.

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

Supervisor Houghtling stated that Ed Godfroy, LVPA wanted her to announce that on Saturday, April 24th, 2021 from 1:00pm to 5:00pm at the New Lebanon Firehouse they are having a recruitment day. You can come and meet the volunteers who help keep your community safe and learn how you can get involved. There will be free hot dog, hamburgers and drinks.

Highway (Superintendent Winestock & Councilmembers Newton):

Supervisor Houghtling stated that she wanted to state for the record that to date, Highway Superintendent Winestock has still not provided a key to the highway garage to the Town Clerk, it was two months ago that the Town Board directed him to do so.

Supervisor Houghtling stated for the record that to date, they have not received maintenance records on any of the vehicles, that was also two months ago that the Town Board asked for those records.

Historian & LVHS: (Councilmembers Trainor):

Historian:

Bitsy Sheffer-Winig, Town Historian presented the following report to the Town Board of her activities:

January

- Submitted the 2020 annual report to the NYS Historian and Supervisor Houghtling

February

- Spoke with Marc Anthonsien on his work with the New Lebanon Climate Smart Task Force. I agreed to write a brief history of the Town of New Lebanon for the report.
- Spoke with Tony Murad and Deb Gordon regarding the application to the NYS Parks, Recreation and Historic Preservation Office for listing the New Lebanon District No. 8 School on the State Registry of Historic Places
- Participated in a Zoom call with the Columbia County Historians. I gave a brief overview of the work I have been doing

March

- Continued to research information on the town for the brief history
- Met with Glenn Fisher. We meet monthly to compare research and talk history

April

- Received notice from the NY Parks, Recreation and Historic Preservation that the New Lebanon District No. 8 School (currently the Roaring 20's) has been placed on the NY Registry of Historic Places and is in nomination for placement on the National Registry of Historic Places
- Finished the brief history
- Met with Supervisor Houghtling about contacting the state to gather information on requirements for historic district nominations
- Met with Councilman Trainor to discuss my work and the LVHS
- Emailed the Columbia County Survey and National Register (SNR) representative to set up a phone call about the project regarding the historic district
- Emailed Rob Gelles who has a radio show on local history. I have been invited to be interviewed about the history of the town. We will narrow the scope prior to the interview. No date has been set.

Future:

- Zoom meeting for the Region 4 members of the Association of Public Historians of NYS
- Zoom meeting for the Columbia County Historians
- Meeting with Glenn Fisher

Supervisor Houghtling stated that before COVID hit she and Bitsy Sheffer-Winig, Town Historian had a discussion about how to get the Town of New Lebanon "on the map". They both agreed that bringing in tourism while not changing the town was the goal. The town is so rich in history and obtaining a historic district could be a way to bring more people to visit our town and the history it offers.

Supervisor Houghtling stated that if Bitsy Sheffer-Winig, Town Historian needs any volunteers to reach out to Councilmember Rasmussen with his volunteer information.

LVHS:

Councilmember Trainor stated that the LVHS will be having their first meeting the last Monday of April and they hope to get the programs rolling by August or September.

Justice Court/Constable (Councilmember Trainor):

Councilmember Trainor stated that Samantha Long told him that she needs a Deputy.

Library (Councilmember Trainor):

Councilmember Trainor stated that Moriah, after about three years of great work has resigned from the Library to join her family in South Carolina. She has been replaced by Michelle Hoffman.

Buildings, Parks & Recreation (Councilmembers Newton):

Supervisor Houghtling stated that Councilmember Newton is absent but she wanted to put the skate park back on the radar. The ramps have to be moved out of where they are currently located by the end of April. The disassembled skate park parts will be coming to the park for now and they will need to revisit the concrete foundation which was budgeted for last year. They Town Board did not remember to bring the funds forward in the 2021 budget, but the accountant said they can do a transfer over because it is in a capital reserve fund for the skate park. This will be discussed more at the May meeting.

Seniors (Councilmember Gordon):

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

Volunteers (Councilmember Rasmussen):

Councilmember Rasmussen stated that they had one request this month and it was fulfilled.

If anyone is interested in volunteering, please contact Councilmember Rasmussen at: nrasmussen@townofnewlebanon.com.

Comparison Committee (Councilmember Rasmussen & Gordon):

Councilmember Gordon stated she and Councilmember Rasmussen decided that they would start with the Building Departments for comparison data. They got together with Cissy Hernandez, CEO/ZEO and she was very helpful. She suggested other towns in the area that are similar to our town. Councilmember Gordon asked that Supervisor Houghtling reach out ahead of time to those other Town Supervisors to pave the way with meeting with their Building Departments.

Councilmember Gordon stated that she had a tentative list of things that they will be asking for from the other towns. The list will be the same from town to town.

ANNOUNCEMENTS:

APRIL:

Wednesday, April 21st at 7:30 pm – Special Meeting at the LVPA

Wednesday, April 21st at 7:30 pm – Public Hearing at the LVPA

MAY:

***Tuesday, May 11th at 7:00 pm – Regular Meeting at the Shatford Park Pavilion
(weather permitting)***

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 during the meeting. Supervisor Houghtling stated she has not received any emails from anyone online.

David Farren stated that he wanted to give a big thank you to Peg Munves, she has put in a lot of hard work on the NYS Department of Health well testing project that he referred to in his committee report.

EXECUTIVE SESSION:

A motion was made by Supervisor Houghtling to enter into an executive session at 10:22pm to discuss the medical, financial, credit or employment history of three particular persons/corps., or matters leading to said dismissal, removal, promotion, appointment, employment, discipline, demotion, or suspension. Supervisor Houghtling invited Attorney Tingley, Cissy Hernandez, CEO/ZEO, Jeff Hattat, Deputy CEO and Town Clerk Robertson into the executive session for parts of the meeting to begin with Town Clerk Robertson and Attorney Tingley joining the Town Board and for Supervisor Houghtling to come out at some point during the executive session to ask Cissy Hernandez, CEO/ZEO and Jeff Hattat, Deputy CEO to join the Town Board. The motion was seconded by Councilmember Trainor.

Roll Call Vote:

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

A motion was made by Supervisor Houghtling to exit the executive session at 11:18pm. The motion was seconded by Councilmember Rasmussen.

Roll Call Vote:

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

A motion was made by Supervisor Houghtling to adopt the hearing procedures before the board in the matter of Robert Smith as the procedures for the Public Hearing. The motion was seconded by Councilmember Rasmussen.

Roll Call Vote:

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

See Addendum E for the adopted hearing procedures.

A motion was made by Supervisor Houghtling as of May 1st, 2021 to appoint Jeff Hattat as CEO and Cissy Hazel Hernandez as ZEO, Deputy CEO and Building Department Administrator with Jeff Hattat to be paid a salary of \$26,000, which is 20 hours a week at a rate of \$25.00 per hour and to pay Cissy Hernandez \$53,560, which is 40 hours a week at a rate of \$25.75 per hour, with the ZEO being 12 hours a week, the Building Department Administrator being 28 hours a week and the Deputy CEO as needed with hours utilized from that position coming from other positions from that week with total hours and salary not to increase, on a trial basis, subject to review by the Town Board in October of 2021 for budget prep for 2022. The motion was seconded by Councilmember Trainor.

Roll Call Vote:

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

Supervisor Houghtling stated that she wanted to state for the record we are making these changes with no increase to the 2021 budget and she wanted to thank all of the town department heads who helped to make this happen. Supervisor Houghtling also thanked Cissy Hernandez as CEO over the past five years and for coming to the Town Board with this proposal on how they may be able to support both their employees better and our community better. This was not part of the motion because it isn't required to be.

Cissy Hernandez thanked everyone.

ADJOURNMENT:

A motion was made by Supervisor Houghtling, to adjourn the meeting at 11:21 pm. The motion was seconded by Councilmember Rasmussen.

Roll Call Vote:

TOWN BOARD MINUTES

April 13, 2021

Page 29 of 29

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

Respectfully submitted,

Marcie Robertson
New Lebanon Town Clerk

Addendum A

Attention residents of New Lebanon!




The town recently contracted with a logo designer to come up with a new look for New Lebanon. The logo will be used on Town official documents and marketing materials, as well as our social media postings.

We have three choices and we would love your input as to what works best for New Lebanon.

Please vote for your favorite by emailing the Town Supervisor at supervisor@townofnewlebanon.com.

If you do not have email access, call her at **518-794-8889** and leave a message with your name and vote: **#1, #2 or #3**.

All responses must be received by 9am on May 10.

Logo #1	Logo #2	Logo #3
		

A mubrisbA

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

(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. 2 of the year 2021

**A LOCAL LAW TO AMEND CHAPTER 71 OF THE CODE OF THE TOWN OF NEW
LEBANON WITH REGARD TO HABITUAL BARKING, ETC.**

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

See attached.

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

E mubnsbbA

TOWN OF NEW LEBANON

LOCAL LAW NO. 2 OF THE YEAR 2021

A LOCAL LAW TO AMEND CHAPTER 71 OF THE CODE OF THE TOWN OF NEW LEBANON WITH REGARD TO HABITUAL BARKING, ETC.

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 With Regard to Habitual Barking, Etc.”.

SECTION 2

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

- A. Paragraph B of Section 71-9.1, relating to prohibited acts, is hereby amended to read in its entirety as follows:
 - B. Engage in habitual howling, barking, crying, or whining, or conduct itself in such a manner so as to threaten or annoy any person. The term “habitual howling, barking, crying, or whining” shall mean howling, barking, crying and/or whining, or any combination thereof, consistently or repeatedly during two (2) or more periods of at least fifteen (15) minutes each within any twenty-four (24) hour period, and which is audible and actually heard by any person that is located on an adjoining property.

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. 2 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 April 13, 2021 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.

(Name of Legislative body)
(Elective Chief Executive Officer)*

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____.

(Name of Legislative body)
(Elective Chief Executive Officer)*

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____.

(Name of Legislative body)
(Elective Chief Executive Officer)*

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

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: 4-13-2021



Addendum

Reviewed & Edited by TB March 10, 2021

Town of New Lebanon Credit Card Use Policy

The Town of New Lebanon hereby adopts the following as its Credit Card Use Policy. The purpose of this Policy is to ensure that general use and store-issued credit cards (hereinafter, collectively, "credit cards") issued in the Town's name are only used for appropriate Town purposes and for approved and necessary Town expenses.

The purpose of authorizing use of town credit cards is to facilitate purchases in cases of emergency, crisis, when the purchase is such that payment by check in the ordinary course is not acceptable, and under similar circumstances. It is preferred that purchases be made using the Town's standard procedure for payment of claims and by issuance of a check, rather than by Town credit card. All persons using town credit cards for any purchases or payment of expenses shall only use such Town credit cards in furtherance of such purpose.

Master List of Town Credit Cards

The Town Board shall maintain a current Master List of Town Credit Cards, identifying each credit card, the per purchase credit limit (if applicable), the total credit limit, the expiration date, and the authorized user(s).

As of the effective date of this Policy, the Master List of Town Credit Cards is as follows:

<u>Card (Issuer, Last 4 digits)</u>	<u>Per Purchase Credit Limit</u>	<u>Total Credit Limit</u>	<u>Ex . Date</u>	<u>Authorized User(s)</u>
1. Staples, 5975	None	\$5,000	N/A	Town Clerk & Deputy Town Clerk
2. Home Depot, 4359	None	\$5,000	N/A	Marsha Robertson & Donnie Sears
3. Exxon Mobil, 3583	None	\$400	10/2021	Town Highway Department
4. Bank of Greene County {Town Credit Card}	None	\$2,500	01/2023	Town Clerk (Marsha Robertson) & Deputy Town Clerk (Ashley Saviano)

The Town Board shall update this Policy and Master List anytime a new credit card is issued, anytime an existing credit card is renewed or replaced, anytime an existing credit card is canceled, anytime an Authorized User is added, changed or removed, and anytime a credit limit is changed.

Rules Governing Credit Card Issuance, Renewal, and Cancellation

No additional credit cards shall be issued except upon specific authorization by the Town Board. Except as otherwise provided herein, all credit cards shall be delivered to the Town Clerk's office for safeguarding in accordance with this Policy.

The Town Clerk shall report to the Town Board anytime an existing credit card is up for renewal or anytime a replacement card is received.

No credit card shall be issued that allows for cash advances.

The credit limit on any given credit card shall not exceed \$5,000. The aggregate limit on all credit cards shall not exceed \$15,000.

The Town Board shall by resolution designate the employees or officials entitled to use the Town's credit card.

Monitoring Credit Card Usage and Audit and Approval of Purchases

The Town Board shall review and monitor credit card usage on a monthly basis.

In addition to authorizing payment of the credit card invoices, the Town Board shall audit and approve or disapprove each purchase made on Town credit cards in the same manner as any other expenditure. A voucher with itemized receipt and proof of delivery shall be submitted for Town Board audit and approval for each purchase made or expense paid on each credit card.

Safeguarding Credit Cards

Except as otherwise provided herein, Town credit cards shall be kept in a secure, locked location in the Town Clerk's office. Notwithstanding the foregoing, credit card# 3, above, is a "gas card" issued for use by the Authorized User listed above for purchase of fuel for highway department vehicles, including without limitation, snowplow trucks and equipment. Given the emergent nature of the need for fuel for highway department purposes, along with the lack of twenty-four access to the Town Clerk's office for sign-out of the gas card, such gas card may remain in the possession of the Authorized User. Despite this exception, all other provisions of this policy shall apply to such gas card.

No person not a duly designated Authorized User of a credit card may have possession of or access to such credit card.

The Town Clerk shall require all persons accessing any credit card to sign the credit card out and to sign it back in upon return. The Town Clerk shall maintain a Credit Card Log showing the name of the person signing out the credit card, the date and time on which it was signed out, the purpose for which the credit card was signed out, and the date and time on which the credit card was returned to the Town Clerk. An Authorized User in possession of a gas card

shall be deemed to have signed out such card, and the Town Clerk shall so indicate on the Credit Card Log.

Any person who signs out a credit card shall be responsible for its safekeeping while the credit card is signed out. If a credit card is lost or stolen, the person shall report that fact immediately to the Town Clerk and to the Town Supervisor. The Town Clerk shall thereupon immediately report the credit card as lost or stolen.

Any person who signs out a credit card shall not permit any other person to use or possess the credit card while it is signed out.

Any person who signs out a credit card shall be responsible for all purchases made thereon until the purchases are authorized and approved by the Town Board.

Except as otherwise provided herein, any person who signs out a credit card shall return it immediately to the Town Clerk's office after making the purchase for which he or she signed out such credit card.

Rules Governing Use of Credit Cards

Use of a town credit card for personal reasons is strictly prohibited, without exception. Town credit cards shall only be used for legitimate Town business expenditures. Purchases that are unauthorized, illegal, represent a conflict of interest, are personal in nature or violate the intent of this Policy may result in revocation of authority to use the credit card and discipline, up to and including termination, as well as potential criminal prosecution. Any person making a purchase using a Town credit card that is contrary to this Policy shall be liable to the Town for such purchase.

All purchases using a town credit card shall comply with the Town's Procurement Policy.

Any person using a town credit card shall submit detailed documentation, including a voucher, itemized receipts, and proof of delivery, for each purchase made or expense paid. Such user shall submit such documentation for audit and approval by the Town Board at the next regular Town Board meeting. Failure to submit documentation substantiating the charges made will result in the user being held personally liable for such undocumented charges.

Acceptance of this Policy by Authorized Users

All authorized users shall be provided with a copy of this Policy, along with any periodic updates as they are adopted by the Town Board.

All authorized users shall execute the acknowledgment form attached hereto, and shall not be authorized to use a Town credit card until such acknowledgment form has been executed. The Town Clerk shall maintain all executed acknowledgment forms in accordance with standard municipal document retention practices.

**ACKNOWLEDGMENT OF RECEIPT OF
TOWN OF NEW LEBANON CREDIT CARD USE POLICY**

Employee Name: - - - - -

Position: _ _ _ _ _

I have been duly designated by the Town Board as an authorized user of the following town credit card(s):

<u>Card (Issuer, Last 4 digits)</u>	<u>Per Purchase Credit Limit</u>	<u>Total Credit Limit</u>	<u>Exp. Date</u>	<u>Authorized User(s)</u>
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I received, read, and understand the Town of New Lebanon Credit Card Use Policy. I understand and agree to strictly comply with the Town of New Lebanon Credit Card Use Policy. I understand and agree that:

1. A voucher, along with itemized receipt and, where applicable, proof of delivery, must be submitted for Town Board approval for each purchase made or expense paid using the town credit card.
2. I am solely responsible for safekeeping of the credit card while it is signed out by me. I am prohibited from permitting any other person to use or possess the credit card while it is signed out under my name.
3. If the credit card is lost or stolen, I shall immediately report that fact to the Town Clerk and the Town Supervisor.
4. I am responsible for all purchases made or expenses paid using the credit card until the purchases or expenses are audited and approved by the Town Board.
5. Use of the town credit card for personal reasons is strictly prohibited, without exception. The credit card will be used only for legitimate Town business expenditures. Purchases that are unauthorized, illegal, represent a conflict of interest, are personal in nature or violate the intent to the Town of New Lebanon Credit Card Use Policy will result in revocation of authority to use the credit card, discipline, and potential criminal prosecution. I will also be liable to the Town for any purchases or expenditures I make on a town credit card that are contrary to the Town of New Lebanon Credit Card Use Policy .
6. All purchases made or expenditures made using the town credit card shall comply with the Town of New Lebanon Procurement Policy.

Signature of Employee

Date

Addendum D

Reviewed & Amended by TB 04/13/2021

Town of New Lebanon Approved Travel Policy

General Policy

- A. No travel expenses of any kind shall be reimbursed without prior approval of the Town Board. The department head shall submit the request to the Town Board and shall include in the request whether the training is required or recommended. The Board gives blanket prior approval for mileage expenses incurred in the performance of duties by the following positions; Court Clerk, Deputy Court Clerk, CEO/ZEO/Deputy CEO, Assessor, Town Clerk, Deputy Town Clerk, Tax Collector and Town Supervisor.
- B. No travel which includes overnight stays shall be committed to without prior approval of the appropriate department head. Timely submission shall be made to the Town Clerk for such approval to be transmitted to the Town Board member responsible for liaison with that department; in the event of an emergency requirement, the Board member may approve by telephone or e-mail.
- C. A copy of the itemized hotel/motel bill must be submitted along with either a paid receipt or a credit card charge form.
- D. Employees will not be reimbursed for travel time to and from seminars or in-service training. Employees paid on an hourly basis will be paid for the hours that they attend seminars or in-service training (not to exceed eight hours per day). Salaried employees that attend seminars or in-service training on weekends may take compensation time equivalent to the hours in seminars or in-service training (not to exceed eight hours per day) with the approval of their supervisor.

Education or In-Service Training Events

For travel to job-related educational events (such as seminars or in-service training), the Board may approve a travel advance only in those cases where the sponsoring organization provides the written evidence of certification or completion which can be presented to the Board upon the employee's return. (In cases where such evidence is delayed, the Board will rely upon the employee's written assurance that the documentation is forthcoming.) Employees are expected to attend all seminars, classes or meetings included in the event agenda appropriate to their duties and responsibilities and to submit an annotated copy of the event agenda with those attendances noted thereon.

Other Overnight Travel

In any other travel requiring overnight stays, and approved by the Board, the employee will lay out the necessary expenditures and submit an expense report, in a form to be determined by the Town Clerk, to the Clerk upon completion of the trip, for reimbursement. The employee will attach a brief statement summarizing:

- A. Reason for the travel.
- B. Meetings attended and list of participants with organizational affiliations.
- C. Accomplishments of the trip.
- D. Any follow-up activities engendered by the trip.

Reimbursement Limitations

No reimbursement shall be made for:

- A. The purchase or consumption of alcoholic beverages.
- B. Personal purchases (including, but not limited to, medicines, personal care items, gifts, movies or entertainment, exercise or other recreational activities, etc.).
- C. Expenses incurred by a person other than the employee.
- D. Upgrades in seating or other accommodations.
- E. Meals in excess of \$55 per day, using the guideline of \$15 each for breakfast and lunch and \$25 for dinner. Employees are expected to participate in meals which are included in program fees without further reimbursement.
- F. Automobile rentals, except if approved in advance. Employees should use their own vehicles in most cases. When necessary, airport or hotel shuttles should be utilized in preference to taxis.

Violations

- A. Employees who violate these rules are required to reimburse the Town for any advances received, or expenses reimbursed (or portions thereof found to be inappropriate) upon written notice from the Town Clerk of such violation.

- B. Employees found to have knowingly, or fraudulently, supplied inaccurate travel documentation to the Town for which they received reimbursement may be subject to discipline, including, but not limited to, fines, loss of pay, and/or dismissal. The Town may, at its discretion, refer such employees to the judicial system.

Addendum E

TOWN OF NEW LEBANON
TOWN BOARD

In the Matter of the Removal of

ROBERT SMITH, Respondent,

from the offices of member of the Town of New Lebanon
Planning Board and member of the Town of New Lebanon
Board of Ethics.

HEARING
PROCEDURES

PLEASE TAKE NOTICE, that at a meeting of the Town Board of the Town of New Lebanon held April 13, 2021, the following hearing procedures were adopted as the Hearing Procedures for the above-captioned matter:

1. The Town Board will conduct the public hearing, with the Town Supervisor acting as the presiding officer of the Board. As presiding officer, the Town Supervisor shall have authority over the general decorum of the proceeding and shall be authorized, in the absence of any contrary direction of the Town Board, to determine all questions relating to orderly procedure, pace of the hearing, what individuals have the privilege of the floor, and all other matters related to ensure the fairness, efficiency, and conduct of the hearing.
2. All attendees must act in a civil, courteous, and professional manner.
3. All in-person attendees shall comply with the Town's COVID-19 Reopening Safety Plan, as amended.
4. Any attendees that are disruptive to the proceeding or that violate any provisions of the Town's COVID-19 Reopening Safety Plan, as amended, or that violate the directives of the presiding officer or Town Board, may be removed from the hearing and/or meeting, or in the case of remote attendees, may be placed on mute, at the direction of the presiding officer.
5. The proceedings of the public hearing and special meeting will be transcribed by a stenographer.
6. The public hearing and special meeting will be conducted in the following order:
 - a. The Town Supervisor will call the special meeting of the Town Board to order.

- b. The Town Supervisor will open the public hearing and will read these procedures into the record.
- c. The Attorney for the Town and the Respondent will make their respective presentations concerning the charges. The order of proof will be as follows: First, documentary and testimonial evidence relating to the charges will be presented by the Attorney for the Town. Next, documentary and testimonial evidence relating to the charges or relating to any defense to the charges may be presented by or on behalf of the Respondent. The presiding officer, subject to any direction from the Town Board to the contrary, may determine when the Attorney for the Town and/or Respondent shall close their respective presentations.
- d. After the presentations by the Attorney for the Town and the Respondent, the Town Board will receive comments from the public. Members of the public providing comment(s) must identify their name and address for the record and will be allowed up to three (3) minutes per person to speak on the matter. Persons not using the full three (3) minutes may not yield the balance of their speaking time to another person. The presiding officer, subject to any direction from the Town Board to the contrary, may determine when the period for comments from the public will close.
- e. Prior to deliberating, the Town Board will close the public hearing.
- f. Following the close of the public hearing, the Town Board will deliberate upon the charges based upon the evidence received during the public hearing. In the discretion of the Town Board, the deliberation upon the charges may be completed at the special meeting, or may be continued at a future meeting.
- g. In its discretion, the Town Board may choose to take formal action, may choose to not take any action, or may choose to table the matter to a future meeting.