

**MINUTES OF THE SPECIAL MEETING OF
THE TOWN BOARD OF THE TOWN OF NEW LEBANON
HELD ONLINE ON MARCH 28, 2022**

- Present:** Tistrya Houghtling, Supervisor (Online)
Marianna Anthonisen, Councilmember (Online)
Britt Buckenroth, Councilmember (Online)
Deborah Gordon, Councilmember (Online)
John Trainor, Councilmember (Online)
- Recording Secretary:** Marsha “Marcie” Robertson, Town Clerk (Online)
- Others Present:** Steve Powers, CAC Member & CSC Chair (Online)
Mary Young, NL Rep to CC Office for the Aging (Online)
Jeff Hattat, CEO (Online)
Cissy Hernandez, ZEO, Admin (Online)
Peg Munves, CAC, CSC & BEDC Member (Online)
Donald Lamonaca, CAC & ZRC Member (Online)
Monte Wasch, Planning & Ethics Board Member, BEDC Chair (Online)
Ed Godfroy, LVPA (Online)
Stephanie Ferradino, Town Attorney (Online)
Jeffrey Winestock, Highway Superintendent (Online)
Carl Clemente, Troy, Sand & Gravel (Online)
The Eastwick Press (Online)
Members of the Public (Online)

CALL TO ORDER:

The meeting was called to order at 4:03pm by Supervisor Houghtling. The meeting was held online via google meets at the following link:

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(US) +1 413-308-2183 PIN: 445 180 283#

BRIEF INTRO TO MEETING:

Supervisor Houghtling stated for the record that Jeffrey Winestock, Highway Superintendent called her last week to let her know that there was a sale that occurred with the gravel bed on Old Post Road that the town gets their material from. The town was not notified ahead of time, the closing took place back in February of 2022. Originally, they were going to hold a meeting with Highway Superintendent Winestock, the Town Attorney and herself to have a conversation about what to do next and what the next steps might be. Supervisor Houghtling stated that when she called Attorney Jon Tingley, he informed her that he works for the company who purchased the gravel bed, Troy Sand & Gravel, so he could not be involved in the discussion. Supervisor Houghtling stated that she then reached out to Attorney Ferradino, also a town attorney that works mostly with the Planning Board, she agreed to work with Highway Superintendent Winestock and herself. Supervisor Houghtling stated that on Friday morning, Highway Superintendent Winestock requested that it be a Special Meeting with the full Town Board instead of just himself, the attorney and the Supervisor.

Supervisor Houghtling stated that she did email the Assessor after receiving Highway Superintendent Winestock's phone call and the town had not been notified by the seller who the town has had involvement for many years getting material from the gravel bed. The Assessor forwarded a document that showed the sale with a closing date of February 23rd, 2022. The name was not Troy Sand & Gravel, it was Sherman Development LLC, however it shares an address with Troy Sand & Gravel. She stated that at this point they are making an assumption that it is related to Troy Sand & Gravel, therefore Attorney Tingley could not be involved in these conversations.

Supervisor Houghtling stated that she did ask Highway Superintendent Winestock what he was hoping to get out of today's meeting and she did email the entire Town Board:

See below for the items Supervisor Houghtling sent to the Town Board in advance of the meeting summarizing the three asks that Highway Superintendent Winestock had for the Town Board:

1) Have the TB go out to bid for bank run ASAP (this is just for the material we were getting from the Old Post site with Joy Sherman - please note he has no interest in the new owner honoring the agreement that the town had with Joy for this material and would rather go out to bid and accept a new bid ASAP) - he wants this to happen as soon as possible so Stef will need to guide us as to timelines (I believe it is 2 weeks that we need to give for bids to come in - not sure if that is from when we motion to go to bid, from when we advertise by sending to paper or from when the paper publishes it - I believe it is 2 weeks from when paper publishes it but will let Stef weigh in here at the meeting) - see attached spreadsheet and bids from last time we went out to bid - these bids are good through 7/31/2022 so maybe we just go out for bank run through that date as we will be going back out to bid for all our highway materials to start 8/1/22

2) Close the mining permit for the site that is in the Town and Jeff's name - he mentioned that DEC might want us to do the reclamation plan (see attached permit and reclamation plan) but if we can work with the new owner who is likely going to obtain a mining permit in their name maybe we don't need to go through this process (seems silly to close it out only for a new owner to open it back up)

3) Arrange with the new owner for Jeff and his guys to go up on the property and remove the town's screening plant and equipment (see new deed attached with new owner's info - it is not listed as Troy Sand and Gravel but has the same address as them - my husband works for a company owned by the same owners as Troy Sand and Gravel so I will not participate in this part of the conversation and if the town board designates someone to coordinate with the new owner it should be Stephanie, not me)

Supervisor Houghtling started with item #1, the material that we were purchasing from Joy Sherman utilizing the gravel pit is bank run. Joy Sherman is the only bidder that we accepted a bank run bid from. The bids currently go through July 31st of 2022 and the Highway Department cannot go from now until then without bank run. She stated that the Highway Superintendent is requesting that they go out to bid just for bank run gravel. Supervisor Houghtling stated that she did reach out to the Association of Towns regarding timing because ideally, they wouldn't hold another special meeting, they would be able to accept or not accept bids at the April 12th meeting. It is actually five days from when it goes in the paper, so there is plenty of time to go out to bid, etc.

Supervisor Houghtling asked Highway Superintendent Winestock if she missed anything with agenda item #1, he responded no.

Attorney Stephanie Ferradino stated that she called Mary Beth Slevin, the attorney on the deed for the transaction, she didn't have much information and would get back to Attorney Ferradino. With the okay from Attorney Slevin, Attorney Ferradino reached out to Carl Clemente of Troy Sand & Gravel and she was informed that Carl was assisting Harry Williams who was the principal of the purchaser company and Carl stated that nothing has changed, he would like to have the town keep the same relationship as they had with Mrs. Sherman. He thinks there may be some problems with reclamation and the town will have some significant costs for that.

Attorney Slevin informed Attorney Ferradino that it is fine for the town to remove any equipment that is in the gravel pit, it was not part of the sale. They also purchased the landfill along with the gravel mine. They bought everything that Joy Sherman owned except the trailer park.

Jeffrey Winestock, Highway Superintendent stated that he had a conversation with Carl Clemente and another guy, the Town of New Lebanon has held a mining permit for the Sherman Bank for about 25 years and he had a deal with Mr. & Mrs. Sherman on that and things have worked out very well for all of these years. He stated that he does not feel

comfortable with the Town continuing on with the mining permit with a change of ownership of the gravel bank. He's concerned that there could be issues and possibly even liability for the town to continue as is with the mining permit. Highway Superintendent Winestock stated that he recommends to Supervisor Houghtling and the Town Board that the Town cancels the mining permit and we go someplace else for gravel. Highway Superintendent Winestock stated that he feels with the mining permit for someone else's bank that is no longer there could be an issue for the town and he doesn't want to take that chance.

Supervisor Houghtling asked Highway Superintendent Winestock to please elaborate on the potential liability that he is concerned with. Winestock responded that for years the mine gets inspected and it is kept up very nice. He had no idea of the sale of the mine and he could have been up there working in the mine that was no longer owned by Joy Sherman and that could have opened the town up to a huge liability exposure if anything had happened. He stated that he is not insinuating that anything is going to happen, but it could. He doesn't want the town to have a mining permit and have the potential that other people could be hauling in and out of the gravel bed, that could create liability situations for the town. Highway Superintendent Winestock stated that as far as reclaiming the pit, he has planned and prepared for that all of these years, he knew that would happen at some point. He stated that it will be an expense to the town but he doesn't feel that it will be that big of an expense, it is something that will have to be done. He stated that he wanted to make it clear to everybody that there is a mining permit there that the Town of New Lebanon holds for the Sherman Pit, it is no longer the Sherman Pit and he doesn't feel comfortable using the mining permit since the change of ownership took place.

Supervisor Houghtling stated that she agrees that the town should have been notified by the person that the town has done business with for 24 years that they were in the process of selling it because in the last month had Highway Superintendent Winestock been up in the pit doing work without the town even knowing that it had been sold could have caused an issue. Now that we are here, we know the sale has happened and we unfortunately weren't notified. Supervisor Houghtling made sure she understood Highway Superintendent Winestock's concerns of doing business with a new owner on the current mining permit that the town holds that was based off of the relationship with the town and Mr. & Mrs. Sherman. Winestock has had a longstanding relationship with the Sherman's and their business dealings were based on that relationship. He does not have the same relationship with the new owner and doesn't want to take any chances that could lead to the town being liable for the new owner's actions.

Highway Superintendent Winestock stated that he wants to make it clear that he is not insinuating that anybody would do such a thing but he is making it clear that he doesn't want to have anything to be responsible for with the change of ownership of the mine and continuing with the existing mining permit that the town holds.

Attorney Ferradino stated that what she is hearing from Highway Superintendent Winestock is concern that the town holds the mining permit and uncertainty about whether the town will continue to have exclusivity within the mine, she thinks that is where the potential for liability may lie.

Highway Superintendent Winestock commented that the Sherman Bank no longer exists since the change in ownership took place.

Attorney Ferradino stated that it sounds like the permit needs to be updated.

Carl Clemente, Troy Sand & Gravel reported to the Town Board that Harry Williams purchased the property and they plan on running the property for him. Carl stated that he called Highway Superintendent Winestock earlier and explained that Mrs. Sherman asked Harry Williams not to speak to anyone about this sale until it was done and that nothing has changed, whatever Highway Superintendent Winestock has been doing in the Sherman Pit, he can continue to do there. Carl stated that the mining permit is in the Town of New Lebanon's name and the owners can change and that is fine. If the town needs them to sign something they will. Or the new owner, Harry Williams can take over the mining permit and put it into his name, whatever the town would like them to do they will do. They are here to work with the town and not to cause any trouble. He stated that if the town did have to go in and reclaim the pit, he does think it will cost the town a large sum of money and they don't want to cost the town anything. He stated that whatever can be done to help the town is what Harry wants him to do and that is what he is here to do.

Supervisor Houghtling stated that when it comes to the mining permit, she had a brief conversation with DEC but the person, Pam Storey, who can really answer the town's questions is not working today. Supervisor Houghtling stated that she thinks that if the town didn't want to remain on the mining permit that the easiest and cheapest thing to do is to transfer it over to the new owner and not go to the expense of reclaiming the mine.

Attorney Ferradino stated that the Town Board has an obligation to put the town's best interest at play and if this is the lowest and best bid that the new owner is offering the same bid prices that were offered when Joy Sherman was still the owner of the pit, then the Town Board has an obligation to the town, not just to make the Highway Superintendent happy. Attorney Ferradino stated that she understands that the Highway Superintendent has a resistance and is not sure that he has articulated it in a way that she fully comprehends. If they go out to bid and they come in at the same cost of \$7.00 a load and someone else comes in at \$12.00 a load, the town board will have an issue in justifying why the town is paying a higher amount for something that may be a better bid.

Highway Superintendent Winestock responded to the attorney's statements by saying that maybe the board should consider how much it will cost for him to go up and strip the mine, how much it will cost the taxpayers on how much gravel is taken out by other people and then it will cost more to reclaim the mine. Highway Superintendent Winestock stated that

there is a lot more than just going out to bid. Who is going to pay to open the pit up more for somebody else? The taxpayers and he doesn't like it. He stated that the Sherman Pit no longer exists and he doesn't want to have to get out of something that is his responsibility. He asked if it is the town's responsibility to reclaim the mine?

Supervisor Houghtling responded to Highway Superintendent Winestock that they are listening to him but the board also has to make sure that they are following the law, that is one reason the attorney is present for this meeting. She stated that it has been advocated that the best thing for the taxpayers and the least expensive way to get bank run gravel is the way Highway Superintendent Winestock is currently doing it. Then she hears Mr. Clemente say that the new owner would love for Highway Superintendent Winestock to continue the way he has always done it, which he has advocated for years is the best thing for the town and then she hears Highway Superintendent Winestock say that this is no longer the best thing for the town. She stated that she doesn't understand why.

Councilmember Buckenroth commented that as a new member to the Town Board she doesn't fully understand the process and what reclamation of the mine is and having a clear explanation would be helpful.

Highway Superintendent Winestock explained that what it means is that when the town is done with the gravel bank, probably in the next year when the mining permit expires the town has to reclaim the land and put it back in a similar condition to what it was. He stated that over the past years they bring in fill from cleaning roadside ditches to help fill in the mine and then they have to re-seed it. Highway Superintendent Winestock stated that the town has held the mining permit for Sherman's Pit. He stated that he and the town made an agreement with Mr. and Mrs. Sherman twenty-four years ago that the town would haul gravel out of the pit which he has kept track of the yardage all of these years. He stated now the pit has been sold, the gravel bank is no longer owned by the Shermans and has been sold to somebody he doesn't know but has been told it is a large mining company. Highway Superintendent Winestock stated that he is afraid to put some kind of liability on the town. He doesn't want to wonder if someone is hauling in or out of the gravel pit. He stated that he doesn't want to be responsible if the new owners take material out of the pit and then it would cost the town more to reclaim the pit when the mining permit expires. He stated that he feels it will be a better situation for the town to leave that pit and go out and purchase gravel elsewhere.

Supervisor Houghtling commented that if she is understanding Highway Superintendent Winestock, his concern is that before the sale of the gravel bed he was the only one in and out of the gravel bank. With the new owner he has no way of controlling that or knowing who is coming or going in the gravel bank.

Supervisor Houghtling commented that maybe this could be addressed in a formal agreement with the new owner of the pit.

Attorney Ferradino stated that from what she is hearing with Highway Superintendent Winestock's concerns could be handled with a legal agreement between the town and the new owners and including that proper insurance coverage be in place to help protect the town from a liability exposure. Attorney Ferradino stated that what she is hearing today is a lot of information and her guidance to the Town Board would be that she thinks they need more information before any determination is made.

Supervisor Houghtling stated that there are two different dates that the Town Board needs to consider. The date that the current bid expires at the end of July, 2022 and then there is the expiration of the current mining permit on June 6th, 2023.

Carl Clemente, Troy Sand & Gravel stated that no one wants to cost the town anything. They can come to an agreement that the town is the only miner using the pit. If there is a cost to clearing the trees and stripping the mine, the new owner, Harry would take care of that. They do not want this to cost the town more than it was before the sale. They are willing to put it into a contract. At the end they will switch the mining permit over to the new owner's name so that it doesn't cost the town to reclaim the pit.

Supervisor Houghtling addressed Attorney Ferradino and Carl Clemente to ask if in the contract they can include that the town is the only authorized minor of the property, even when it goes out to rebid that the cost will remain the same through the June of 2023 date and include that the understanding is that when the town's mining permit is due to expire that the town will not need to pay reclamation costs. She stated that she still needs to have a conversation with DEC regarding all of the mining permit dos and don'ts.

Carl Clemente replied yes to Supervisor Houghtling and stated that he thinks it might even save the town more money because he thinks when the town had to strip it, the Highway Superintendent would have to do it. In this scenario, the new owner would be the one to go in and strip the mine and prep the area. The Highway Superintendent would have to tell them how many yards he needs and how far back he wants it stripped and cleared and they would take care of it and it would be cheaper. He stated they are trying to make this as simple as possible.

Councilmember Trainor commented that he hears the word liability, how does the town become liable and he doesn't understand what reclamation is.

Supervisor Houghtling explained reclamation, the town is responsible for restoring the mine back to somewhat of an original state when they are done utilizing the mine.

Councilmember Anthonisen commented on the liability exposure and Highway Superintendent Winestock's concerns of the town's exposure.

Attorney Ferradino responded that she is sure that the new owner will have his property insured.

Supervisor Houghtling commented that she doesn't think anything will change, she thinks Highway Superintendent Winestock's concern was if another company or entity was mining the mine at the same time that the town is.

Highway Superintendent Winestock gave an example of possible liability exposure if PCB's, PFOA's were to show up on the property or if they are working in the mine and a dozer tips over and leaks fuel or oil into the ground and they try to blame him. Highway Superintendent Winestock asked Attorney Ferradino if the town is liable right now to reclaim that bank knowing that it has been sold and no longer the Sherman Pit and is it possible to have that permit changed?

Attorney Ferradino responded that those are questions for DEC about what the terms of the permit are, reminding everyone that she is pinch hitting for Attorney Tingley, she has only had about three minutes to skim through the permit today and this is not something that she fully understands at this moment due to lack of time to prepare and be educated. The new property owner will have liability if someone were to get injured on their property, she is assuming that the Town has insurance in place that covers work performed by town employees at the mine or at any other location.

Supervisor Houghtling stated that they do not have the answer from DEC regarding the mining permit. She stated that this meeting was a last-minute meeting requested by Highway Superintendent Winestock not allowing time to hear back from DEC. She stated that in her opinion, the board is unable to make an informed decision until they have all of the information needed to do so.

Highway Superintendent Winestock stated that the new owner isn't permitted for them to sell gravel out of the gravel bank. Supervisor Houghtling stated that the mining permit is in the Town's name and the facility is Sherman Pit, Old Post Road, it doesn't have Joy Sherman's name and the new owner has the name Sherman in it. The permit lists the facility and its location not who owns the location.

The Town Board had further discussion.

Highway Superintendent Winestock stated that he thinks the Town Board needs to think about what they are doing. They are talking about transferring the mining permit, does the Board have any idea what they are transferring? It makes him nervous, you aren't talking about a little license to pedal a little bit of gravel, it's huge and he stated that the news owners fully understand what is going on. He stated that the Board should be thinking more about this and that the lawyer should be talking more to the Board about this.

Councilmember Anthonisen stated that she agrees and that is why she is trying to get more information and to fully understand before she makes any decisions but she doesn't want

Highway Superintendent Winestock to lose the ability to have access to any materials that he needs now.

Supervisor Houghtling stated that she thinks everyone agrees on the mining permit that they need more information from DEC and no decision is to be made regarding the mining permit until they get more information. She stated as for Highway Superintendent Winestock needing access to material, that is the reason that he requested a full Town Board emergency meeting today so that the Town Board could potentially accept new bids at the April meeting. She stated that there is more information to be figured out before they move forward with the new bid, however there is no harm or cost other than a publication in the newspaper to the town for them to go out to bid today. She stated that she proposes that they go out to bid for Bank Run Gravel. The current bid is from Joy Sherman and she does not know if a bid can transfer to a new owner. She stated that if the new owner wants to submit a bid, they have every right to do so.

Highway Superintendent Winestock stated that the gravel bank is not permitted by the new owner. The Town of New Lebanon holds the mining permit.

Supervisor Houghtling stated that the gravel bank is permitted to the town. What she is saying is that prior to the sale Joy Sherman would submit a bid and the town would use their mining permit just as they have done for the past twenty-four years could be done with the new owner. The new owners could submit a bid just as the prior owner did and nothing has changed.

Highway Superintendent Winestock stated that it has changed, the ownership has changed. He stated the Joy Sherman, Sherman Bank no longer exists, someone else owns it. He stated someone else who plans on doing a huge mining operation someday.

Supervisor Houghtling continued saying that if the new owner submits a bid and the Town Board wanted to accept that bid nothing would be different other than the person who submitted the bid. The process would be the same, the town owns the mining permit just as they have in the past, the town mines the property and as for other companies mining it, they would have to work that out between now and April what was discussed today, a contract or agreement with the new owner that the town is the only entity at the mine and addressing all of Highway Superintendent Winestock's concerns. She clarified that when she says nothing has changed, she means in how Highway Superintendent does things hasn't changed. The invoice or bills will come from a different owner but how he uses the mine will not change.

Highway Superintendent Winestock stated that he doesn't use bank run gravel very often, it is screened gravel.

Supervisor Houghtling stated the process doesn't need to change as long as the new owner can address the concerns of the town.

Highway Superintendent Winestock stated that he doesn't use bank run gravel that often, it's screened gravel. He stated that he is being heckled a bit here and stated that it took a lot to get the mining permit he's not trying to stop anyone from mining, he just doesn't feel comfortable with the town using their mining permit for the new owners. He thinks the new owners should get their mining permit and then move forward. He stated that he is not against the new owners he just doesn't feel comfortable with it. He stated that he doesn't want to be apart of using the town's mining permit to mine the bank under the new ownership. He thinks they could be opening up a huge liability for the town. He does not know if you can even transfer the mining permit. He stated that from what he read today, the transfer should take place before the sale. He stated that he is not a lawyer but there are questions that they need answers to. He also stated that he needs gravel today, it is spring time and the town roads do need gravel. He stated that he can get the material elsewhere. As for the mining permit he feels that the new owner should get their own permit. He stated that he isn't trying to stop anyone from mining but he doesn't like where this is going and he doesn't want to be a part of it.

Supervisor Houghtling stated that she is going to discuss the mining permit with DEC. She stated that she is trying to advocate for what Highway Superintendent Winestock wants at this time and as she understands that is to go out to bid now and to gather information for the April meeting so that the Town Board can make informed decisions.

Highway Superintendent Winestock commented that the way he is understanding her is that if they go out to bid and the new owner comes in with the cheapest bid that they go ahead and accept the bid. He stated that if that happens and they come in with the cheaper bid then they are still in the same position and that is not what he wants. He stated that legally whoever the new owner is does not have a mining permit to mine the Sherman Pit.

Supervisor Houghtling responded that they have to find out answers. If the new owner is the lowest responsible bidder, unless they can state a reason why through the town's value-added contract, they are actually saving money going with a higher bidder, they are required by law to accept that bid.

Highway Superintendent Winestock responded that he thinks they are saying that they can bring gravel from someplace else.

Supervisor Houghtling responded no, that she was saying they have to look at the mining permit, they have to look at what they are willing to do, look at the other bids that they receive and then make a decision with all of the information in front of them but, not postponing going out to bid until April 12th.

Highway Superintendent Winestock stated that the town roads don't need gravel right now, don't worry about spring time. He said he is saying it is not an easy process to get a mining

permit and he feels uncomfortable letting the new owner use the town's permit, it is the Town of New Lebanon's mining permit.

Supervisor Houghtling responded to Highway Superintendent Winestock that she is hearing something different from him now. She stated that when she first asked about having this emergency meeting it was because Winestock had expressed needing bank run gravel and a new bid asap and then she heard him saying he didn't need bank run gravel now.

Highway Superintendent Winestock responded that he was being sarcastic. He has been here before in front of the board begging to go out to bid for a new truck because one of the town's trucks was damaged and the board at the time didn't act promptly and was delayed in getting a truck. He was being sarcastic; he does need gravel asap.

Attorney Ferradino stated that she is hearing different things and she can't tell if there is a need for an emergency bid or if the town is comfortable with a short-term agreement that will carry through until going out to bid as normal in June. If it is a short-term agreement, she thinks that would be easy to put together so the board can consider it at their next meeting which will address all of the issues brought up today. If she is hearing that there is an emergency need that he can't continue the way that he has been with this pit until the next meeting then she thinks he needs to go out to bid today. Attorney Ferradino stated that Supervisor Houghtling is correct that if this is the bid that makes the most sense you will end up in the same place except you will no longer have the benefit of the ability to work on an agreement with the new owner which may have some benefit to the town that you wouldn't have in some other way. She stated that from what Mr. Clemente said, the new owner is motivated to work with the town. She feels like they were pushed under the gun to have this emergency meeting when it makes sense to pause and have the opportunity to hear from Highway Superintendent Winestock as to what the concerns are and any financial impact they may have.

Supervisor Houghtling stated that she is torn, they have the new owner saying they don't want to change anything, they are willing to sell it for the same cost, they are willing to give an agreement stating no one other than the town can mine it, they are even willing to go and do the work that the town was doing to access the gravel, they are going to do all of that work and still sell it at the same price when the town was having to do all of the work, they want to do everything as easy as they can to help the town. She stated that she thinks the town would be crazy to not take the new owner up on his offer. Then she stated they have a Highway Superintendent that says he doesn't want to do that, he has concerns. The concerns that she heard expressed, she heard their legal consult say that she hears his concerns and they can address those concerns through an agreement. Mr. Clemente agreed to that. Then she hears from the Highway Superintendent that he doesn't like it and doesn't want to do it. Supervisor Houghtling stated that she is very torn because it seems very clear what is in, he best interest of the town but they have a Highway Superintendent who does the work and if he says he's not going up there then the town doesn't have bank

run and then the town roads suffer. She stated that she doesn't really know where to go from there.

Highway Superintendent Winestock replied to the Supervisor asking her if she feels comfortable leaving the Town of New Lebanon on the mining permit?

Supervisor Houghtling replied that she does. She stated that she has to call DEC and discuss that there is a new owner and see what needs to be done. She stated that he has been doing this for twenty-four years and the new owner is saying they want to do it the exact same way that the town has been doing it and that is what Highway Superintendent Winestock has been advocating is the best for the town. She stated that she is not understanding what has changed.

Highway Superintendent Winestock replied that there is a lot that has changed. The Town of New Lebanon was in charge and did it. Now there is somebody else coming in and doing it. He stated that it might not sound like a big deal but there are rules and regulations and what if the new owner does something they shouldn't, the Town of New Lebanon holds the permit. He stated that he doesn't understand why the Supervisor is pushing it so much. He stated that he doesn't understand why the town can't back off, let the new owner get a mining permit and then come back to the town to sell gravel. He doesn't think that the Town should hold a mining permit for another big outfit.

Supervisor Houghtling replied that she is not pushing for anything other than to follow all applicable laws and to do what is in the best interest of the town.

Highway Superintendent Winestock stated that he apologizes but he needs to leave. He stated that he needs screened gravel, they screen the bank run gravel. You keep saying bank run gravel, he stated that he needs screened gravel to put on the town roads. He stated that he doesn't see what the big deal is to let the new owner get their own mining permit. He stated that something doesn't feel right and he doesn't like it. Highway Superintendent Winestock thanked everyone for their time and left the meeting.

Supervisor Houghtling addressed Mr. Clemente asking him if the town were to go out to bid today to keep their options open would Mr. Harry's offer to enter into a contract change? Could the town keep both paths open as of today?

Carl Clemente, Troy Sand & Gravel replied that whatever the town would like to do, Harry would be more than happy to work with the town. If the town goes out to bid, Harry will bid on it just like Mrs. Sherman did. Nothing has changed except for the owner; the pit still exists and the town owns the mining permit. They are willing to do whatever is easiest for the town.

Councilmember Buckenroth commented that she feels like they are beating a dead horse at this point. She stated that it seems like the issue for Highway Superintendent Winestock is

the mining permit. She stated it sounds like the new owners want to work with the town. She asked is it most appropriate for the new owners to go out for their own mining permit or is that on the town, she doesn't fully understand. She commented that Highway Superintendent Winestock stated that the board doesn't know the difference between bank run and gravel. She stated he isn't wrong, she doesn't and wished he had explained it to her.

Carl Clemente, Troy Sand & Gravel responded to Councilmember Buckenroth that Highway Superintendent Winestock has a screening plant in the pit right now, he takes the bank run and puts it through the screening plant, takes out the oversized rock and he then uses screened gravel. He stated that Highway Superintendent Winestock can still continue to do that, the screening plant sits there today.

Supervisor Houghtling commented to Councilmember Buckenroth that the name on the bid is bank run gravel, she was shortening it to bank run.

Councilmember Trainor stated that he thinks Mr. Clemente sounds reasonable, his concern is the Highway Superintendent being able to get the material he needs until the April meeting.

Supervisor Houghtling stated that Highway Superintendent Winestock has refused to go in the pit at this time.

The Town Board held further discussion.

Carl Clemente, Troy Sand & Gravel commented that Highway Superintendent Winestock keeps stating that he doesn't know if the mining permit still exists because of the change of owner. He stated that it has nothing to do with the owner changing, the mining permit still exists and is still in the Town of New Lebanon's name. Nothing changes, it still can be used.

The Town Board held further discussion.

A motion was made by Supervisor Houghtling, seconded by Councilmember Buckenroth and approved unanimously to go out to bid for Bank Run Gravel through July 31, 2022, with bids due to the Town Clerk's Office by 4:00pm on Friday, April 8th, 2022 and direct the Town Clerk to advertise the bid notice in both The Register Star and The Eastwick Press.

ADJOURNMENT:

A motion was made by Supervisor Houghtling, to adjourn the meeting at 5:32pm. The motion was seconded by Councilmember Trainor.

Roll Call Vote:

Councilmember Buckenroth -

Aye

TOWN BOARD MINUTES

Special Meeting

March 28, 2022

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Councilmember Gordon -	Aye
Supervisor Houghtling -	Aye
Councilmember Trainor -	Aye
Councilmember Anthonisen-	Aye

Respectfully submitted,

Marcie Robertson
New Lebanon Town Clerk