

**MINUTES OF THE REGULAR MONTHLY MEETING OF
THE TOWN BOARD OF THE TOWN OF NEW LEBANON
HELD ON MAY 10, 2022**

Present: Tistrya Houghtling, Supervisor
Marianna Anthonisen, Councilmember
(Online)
Britt Buckenroth, Councilmember
Deborah Gordon, Councilmember
John Trainor, Councilmember (Online)

Recording Secretary: Ashley Saviano, Deputy Town Clerk

Others Present: Steve Powers, CAC Member & CSC Chair (Online)
David Farren, CAC Chair
Peg Munves, CAC, CSC & BEDC Member (Online)
Ted Salem, ZBA Member & ZRC Chair
Bruce Shenker, NL Rep to CC Env Mgmt Council & CSC
Member
Christine Vanderlan, Hudson River Estuary Program
(Online)
Mary Young, NL Rep to CC Office for the Aging & NL Rep
to CC Traffic Safety
Steve Houghtling, LVPA Chief
Cory Bevens, LVPA
Eugenia Browning, LVPA
Gretchen Stevens, Hudsonia (Online)
Marc Anthonisen, CSC Advisor
Mark Baumli, ZRC Member
Christine Dreyfus, MOW (7:20pm)
Monte Wasch, Planning & Ethics Board Member, BEDC
Chair (Online 7:25pm)
Members of the Public

CALL TO ORDER:

The meeting was called to order at 7:00pm by Supervisor Houghtling. The meeting was held in person at the New Lebanon Town Hall, 14755 State Route 22 North, New Lebanon, NY 12125 and online via google meets with members of the public also being able to view the meeting at the following link: https://townhallstreams.com/towns/new_lebanon_ny.

A moment of silence was followed by the flag salute. The emergency exits were pointed out.

MINUTES:

The minutes of the **March 28, 2022 Special Meeting** on the Old Post Road Mine, **April 8, 2022 Special Meeting** on 911 Tower, **April 12, 2022 Special Meeting** on SYP Assistant Director interviews and **April 12, 2022 Regular Monthly Meeting** were reviewed.

A motion was made by Supervisor Houghtling, seconded by Councilmember Gordon and approved unanimously to approve the minutes as typed.

FINANCIAL:

Supervisor’s Report:

The Supervisor’s Report as of April 30, 2022 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 Gordon to accept the Supervisor’s report as typed. The motion was seconded by Councilmember Buckenroth.

Roll Call Vote:

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

PRIVILEGE OF THE FLOOR:

Supervisor Houghtling read the following email:

Dear Tistrya,

It is abundantly clear that Highway Superintendent Winestock has no intention of removing the abandoned rotting guardrails from the roadside in Lebanon Springs. Please could you direct me to or supply the job description for the elected office of Highway Superintendent and the legal requirement that prevents the Town Board or Town Supervisor from authorizing the removal of abandoned highway debris. Please also advise on the legality of storing Highway Dept. materials (such as the rotting guardrails) at a town site other than the Highway Dept Garage.

Please address the fact that, since the abandoned materials have a scrap value, the Highway Superintendent is preventing these funds from being returned to the Town’s highway budget. Furthermore, the town beautification initiative is being prevented from removing these rotting materials from the town’s roadsides, adding negatively to the town’s appearance.

*Thank you,
Sharon van der Meulen*

Supervisor Houghtling responded that she did write to the Association of Towns with some of the questions regarding the lack of authority the Town Board and the Town Supervisor have over a Highway Superintendent. She forwarded the response to the resident and the Town Board. As previously discussed, an elected Highway Superintendent is a very autonomous position, the Town Board has authority over the budget and the Highway 284 agreement. Other than that, the Highway Superintendent answers to the people directly.

BUDGET AMENDMENT #4 OF 2022:

Supervisor Houghtling stated that most of this amendment is for CHIPS funding. Now that the state budget has passed, we received final numbers for NYS funding via CHIPS, Pave NY and Extreme Winter so we are increasing the revenue and expenditure lines on all three to match the amount we are getting: \$32,039 more in CHIPS, \$12,089 more in Pave NY and \$12,127 more in Extreme Winter. The other highway amendment is for one of the town's highway trucks that needs a new engine, this authorization is later on in the agenda. Highway Superintendent Winestock asked that it be brought into the budget from his fund balance. Lastly, there is a training by AOT and OSC specifically on the work that Supervisor Houghtling has been tasked with, the new fund balance policy, setting up capital reserves and the best ways to go about it. Both Supervisor Houghtling and the Town Accountant would like to attend so they can work on this project together, it is \$425 for both to register.

General Fund:

\$ 425.00 from A-1990.4 (Contingent)
\$ 425.00 to A-1220.4 (Town Supervisor - Contractual)

Highway Fund:

\$ 32,039.00 from DA-3501 (CHIPS)
\$ 12,089.00 from DA-3505.1 (CHIPS Pave NY)
\$ 12,127.00 from DA-3505.2 (CHIPS Extreme Winter)
\$ 38,250.00 from DA003409 (Appropriated Fund Balance)
\$ 32,039.00 to DA-5112.2c (CHIPS Reimbursable)
\$ 12,089.00 to DA-5112.21 (CHIPS Pave NY)
\$ 12,127.00 to DA-5112.22 (CHIPS Extreme Winter)
\$ 38,250.00 to DA-5130.4 (Machinery)

A motion was made by Supervisor Houghtling to approve the above noted budget amendment #4 of 2022 as typed. The motion was seconded by Councilmember Anthonisen.

Roll Call Vote:

Councilmember Buckenroth -

Aye

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

ABSTRACT AMENDMENT:

There was an accidental overpayment on highway voucher #35 in the amount of \$250.00 on last month's abstract of bills paid. The vendor returned the check and we voided it. Now we just need to amend the abstract we approved last month.

A motion was made by Supervisor Houghtling to void voucher #35 in the amount of \$250.00 due to a duplicate payment and amend highway abstract #4 to a total of \$107,091.63. The motion was seconded by Councilmember Buckenroth.

Roll Call Vote:

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

AUDIT OF BILLS:

2022 Bills:

General No. 145, in the amount of \$401.16;
As listed on Abstract No. 4A dated May 10, 2022.

General Nos. 146 through 189, in the amount of \$32,269.83;
Highway Nos. 43 through 56, in the amount of \$74,993.81;
Escrows Nos. 5 through 6 in the amount of \$300.00; and
SF-LVPA No. 2, in the amount of \$38,075.50;
As listed on Abstract No. 5 dated May 10, 2022.

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

Roll Call Vote:

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

OLD BUSINESS:

LVPA New Firehouse Proposal:

Steve Houghtling, LVPA Chief reported and read the following:

The Lebanon Valley Protective Association was founded in 1920 by concerned citizens and incorporated in 1922. It is a 100% volunteer fire company. We have been serving the Town of New Lebanon now for over 100 years. The LVPA owns three properties in town, two fire stations and the legion hall. The legion property, located between the two stations and the geographical center in town was acquired a number of years ago with the aim of consolidating into one fire station. We have researched buildings and new fire houses for some time now and have come up with a building plan and an estimated cost to build the fire station at the legion property on 7 Mill Road.

The plan is to construct an apparatus bay in front of the existing legion building and then to restore the legion building to be the actual fire house.

In keeping with our promise to the legion, we intend on refurbishing the building to keep our costs minimal. Our plans call for selling the West Lebanon fire station and turning the New Lebanon station into a partnership with the town into a Community Center, if so desired. In addition to consolidating into one centrally located station this plan would also return a piece of property to the tax rolls, a double benefit. We are asking the community for donations to help us build a sorely needed new fire station. To get our fundraising started a local family has generously offered a match, dollar for dollar challenge up to \$250,000.00 on anything received from now until the end of 2022. This means we can potentially raise \$500,000.00 by the years end.

Over 100 years ago the citizens of New Lebanon banded together to start a fire department and the LVPA was created. Today the LVPA is asking the citizens of New Lebanon to ban together to help us build a new fire station.

LVPA Chief Houghtling stated that their plan is to send a letter out to all residents of New Lebanon with instructions on how to donate.

Mark Baumli, ZRC Member asked if the LVPA has engineered designs to which Chief Houghtling responded yes to.

Mark Baumli, ZRC Member stated that his concerns and thoughts would be to take the existing fire house that is currently on Route 20 and 22's corridor, why can't the LVPA put the Community Center in part of the structure that is there or add onto the firehouse that you are going to build and add community center in that building. As we all know that parcel of property is probably one of the most valuable parcels in town as far as money, somebody would pay a lot more for that parcel. He stated that he thinks what that parcel could sell for, they could recoup by adding onto the new firehouse or using the existing legion building as a community center.

LVPA Chief Houghtling replied that it is a great idea and the LVPA is open to thoughts and ideas like that and he agrees that they could get a large amount for the New Lebanon station but the LVPA wanted to offer it to the town in partnership first and see if there is any interest and go from there.

Councilmember Gordon asked if the town were to partner with the LVPA to create a community center, who would actually own the property?

LVPA Chief Houghtling responded the LVPA would keep ownership of the property.

Ted Salem, ZBC member and ZRC Chair asked if the LVPA has a project budget?

LVPA Chief Houghtling responded that the LVPA has an estimated budget of \$1 million to \$1.1 million.

Further discussion took place.

Traffic Control Signs:

Supervisor Houghtling stated that Mary Young, NL Rep to CC Traffic Safety needs more time to get quotes together and do research. This will be tabled, but keeping it on the agenda so it didn't fall off of the radar.

CEA Designations:

Supervisor Houghtling stated they had two Public Hearings tonight on two different CEA designations, one is the Warm Springs and one is the Cool Ravines. She stated that for the Cool Ravines, there is one property owner that they thought the property was owned by the CLC and found out it was not. They are in communication with the property owner and it seems like they will be on board but needs to gather more information before saying yes.

David Farren, CAC Chair reported that he is having difficulty connecting with the resident.

Supervisor Houghtling stated that they had the Public Hearing tonight based on the maps drawn as they are which includes this property of the resident they are trying to connect with. She stated that she feels very strongly that they should table the adoption of the Cool Ravines CEA until next month to allow time to connect with the property owner and for that owner to make an informed decision. If the owner gives consent, the Public Hearing has already been held, next month it can be adopted. If they do not get consent to include her property in the Cool Ravines CEA, then they will need to remove her property and hold a new Public Hearing with the amended maps. All agreed to hold off until hearing back from the property owner.

Supervisor Houghtling stated that for the Warm Springs CEA they have full property owner consent and she would like to move forward with the adoption.

Supervisor Houghtling stated that prior to acting, they need to review the answers to Part 2 and review Part 3 of SEQRA. The Short Environmental Assessment Form Part 2 – Impact Statement and Part 3 – Determination of Significance was read in full and reviewed.

Councilmember Gordon expressed concerns of the impact that this designation might have on the area. This area to be protected, was at one time the most densely built-up part of New Lebanon and she wonders if this designation discourages development in that area.

Supervisor Houghtling responded that a CEA designation has nothing to do with residential so because it is residentially zoned it wouldn't have any impact on a personal residence. This is if it goes before the Planning Board and the types of application that go before the Planning Board.

Further discussion was held.

A motion was made by Councilmember Trainor to adopt Resolution No. 15, labeled ADOPTING A NEGATIVE DECLARATION AND DESIGNATING THE WARM SPRING CRITICAL ENVIRONMENTAL AREA of 2022, to adopt Part 2 of the EAF and Part 3 of the EAF, to adopt a Negative Declaration under SEQRA, to adopt findings pursuant to 6 NYCRR 617.14(g), to designate and establish the Warm Spring Critical Environmental Area, and to authorize and direct the Town Supervisor to provide such notification and complete such filings as required by law. The motion was seconded by Councilmember Anthonisen.

Roll Call Vote:

Councilmember Britt Buckenroth	Aye
Councilmember Deborah Gordon	Nay
Supervisor Tistrya Houghtling	Aye
Councilmember John Trainor	Aye
Councilmember Marianna Anthonisen	Aye

TOWN OF NEW LEBANON

RESOLUTION #15, 2022

ADOPTING A NEGATIVE DECLARATION AND DESIGNATING

THE WARM SPRING CRITICAL ENVIRONMENTAL AREA

MAY 10, 2022

At the regular meeting of the New Lebanon Town Board, held at the New Lebanon Town Hall, 14755 NYS Route 22, New Lebanon, New York, duly called and held on the 10th day of May, 2022, the following Resolution was proposed and seconded:

Resolution by Councilmember Trainor

Seconded by Councilmember Anthonisen

RESOLUTION ADOPTING A NEGATIVE DECLARATION AND DESIGNATING THE WARM SPRING CRITICAL ENVIRONMENTAL AREA

WHEREAS, the New Lebanon Comprehensive Plan (“the Plan”) identifies the Warm Spring among the natural resources of high importance to the people of the New Lebanon (§III.B, p. 5); and

WHEREAS, the Plan asserts that “[e]nsuring preservation of its...fine water resources...should be central to the Town’s decision about its future direction and growth” (§III.B, p. 5); and

WHEREAS, the Plan includes among the Town’s natural resource objectives the protection of “surface water, wetlands and groundwater from potential sources of pollution” and the encouragement of “restoration, preservation and protection of the Lebanon Warm Mineral Spring” (§III.B, p. 5); and

WHEREAS, according to hydrogeologic analysis by the New York Rural Water Association, the Warm Spring issues from groundwater originating from shallow and deep sources in a “contribution area” of approximately 108 acres extending north of where the spring emerges near the junction of Spring Hill Road and Pool Hill Road; and

WHEREAS, activities on the land in that contribution area have the potential to affect the temperature, chemical quality, quantity, or flow patterns of the springwater; and

WHEREAS, New York State municipalities are authorized under state law (6 NYCRR § 617.14 [g]) to establish Critical Environmental Areas to bring attention to areas with exceptional or unique character with respect to a natural setting or an inherent ecological, geological or hydrological sensitivity to change; and

WHEREAS, the Town Board is currently considering designating a Critical Environmental Area that encompasses the emergence site of the Warm Spring and the landscape contribution area as shown on Exhibit A hereto; and

WHEREAS, by Resolution duly adopted on April 12, 2022, the Town Board declared itself lead agency for purposes of conducting the review of the proposed designation of the Warm Spring Critical Environmental Area pursuant to the State Environmental Quality Review Act and its implementing regulations (hereinafter, “SEQRA”) and classified the proposed action as an unlisted action thereunder; and

WHEREAS, by Resolution duly adopted on April 12, 2022, the Town Board directed the Town Clerk to publish Public Notice and Notice of Public Hearing for the Proposed Warm Spring Critical Environmental Area in the form annexed hereto as Exhibit B; and

WHEREAS, by Resolution duly adopted on April 12, 2022, the Town Board scheduled a public hearing to be held upon the proposed designation of the Warm Spring Critical Environmental Area on May 10, 2022, at 6:55 pm, at the Town of New Lebanon Town Hall, 14755 NY Route 22, New Lebanon, New York; and

WHEREAS, the Town Clerk published the Public Notice and Notice of Public Hearing for the Proposed Warm Spring Critical Environmental Area in the form annexed hereto as Exhibit B in the official newspaper on April 22, 2022 and posted same on the Town website and Town Clerk sign board on April 18, 2022; and

WHEREAS, the Town Board conducted a public hearing on the proposed designation of the Warm Spring Critical Environmental Area on May 10, 2022, commencing at 6:55 pm, at the Town of New Lebanon Town Hall, 14755 NY Route 22, New Lebanon, New York, where all interested persons had an opportunity to be heard; and

WHEREAS, the Town Board has completed, or caused to be completed, Part 2 of the Environmental Assessment Form in the form annexed hereto as Exhibit C; and

WHEREAS, the Town Board has completed, or caused to be completed, Part 3 of the Environmental Assessment Form in the form annexed hereto as Exhibit D; and

WHEREAS, the Town Board has considered the action as defined in 6 NYCRR § 617.2(b) and § 617.3(g), has reviewed the EAF and considered same with respect to the criteria set forth in 6 NYCRR § 617.7(c), has identified relevant areas of environmental concern, has thoroughly analyzed the relevant areas of environmental concern, and finds and determines that the proposed action will not have any significant adverse environmental impacts; and

WHEREAS, the Town Board finds it appropriate to adopt a Negative Declaration pursuant to SEQRA in connection with the proposed designation of the Warm Spring Critical Environmental Area; and

WHEREAS, the Town Board finds it appropriate, after having given a full and fair opportunity to any interested persons wishing to be heard and after having undertaken the SEQRA review of the proposed action, to designate and establish the Warm Spring Critical Environmental Area;

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of New Lebanon, as follows:

1. The Town Board of the Town of New Lebanon hereby adopts the Part 2 and Part 3 of the EAF annexed hereto as Exhibits C and D, respectively, and finds that the proposed designation of the Warm Spring Critical Environmental Area will not have any significant adverse environmental impacts, and therefore adopts a Negative Declaration pursuant to SEQRA for such action.
2. The Town Board hereby finds that the proposed Warm Springs Critical Environmental Area has exceptional and unique character relating to the criteria set forth in 6 NYCRR § 617.14(g), including without limitation, a natural setting; social, cultural, and historic values; and an inherent ecological, geological, or hydrological sensitivity to change that may be adversely affected by any change, for the following reasons:

The proposed Warm Spring Critical Environmental Area (the “CEA”) encompasses the place where the New Lebanon warm spring emerges near the summit of Spring Hill Road in the Lebanon Springs hamlet, along with its contribution area. The springwater issues from the carbonate bedrock of the Stockbridge Formation at a fault between the carbonates and phyllite bedrock to the east. In the area of the warm spring, the Stockbridge Formation consists of whitish to grayish marble and beds of dolostone. Phyllite (metamorphosed shale) lies to the east, and may act as an impermeable barrier to the movement of water. The boundary of the proposed CEA encompasses the contribution area and a 200-foot-wide buffer zone at the perimeter to help provide additional protection.

Springs are not unusual in the Town of New Lebanon or the region in general. Most springs emerge from the ground at temperatures of 45-55 degrees F, but the New Lebanon warm spring emerges at temperatures in the range of 65.7 – 71.4 degrees F year-round. The New Lebanon warm spring is the only known warm spring in the New York State. The warm spring was long used by Native Americans and then figured prominently in the original European settlement and development of the town, and to this day is an iconic landmark for the people of New Lebanon. The land within the proposed CEA is mostly forest and hayfield. Forests of all sizes provide ecological services to the human community and valuable habitat for wildlife and plants. Standing live and dead trees are habitat for invertebrates and fungi, and for cavity-using amphibians, reptiles, songbirds, and mammals. Forests provide important nesting habitat for raptors and songbirds. Large forests are especially important for birds and other wildlife that have large territories or require the conditions of the deep forest interior to maintain populations in the long term. Hardwood trees with loose, platy bark such as shagbark hickory, deeply furrowed bark such as black locust, or dead standing trees with cavities or peeling bark can be used for summer roosting and nursery colonies by bats. The ecological values of meadows can differ widely according to the types of vegetation present, disturbance histories (e.g., tilling, mowing, grazing, pesticide applications, trampling), and meadow

size. Meadows of any size can be valuable habitats for small mammals, butterflies, moths, dragonflies, native bees, and many other invertebrates. Undisturbed meadows develop diverse plant communities and support an array of wildlife, including invertebrates, frogs, reptiles, mammals, and birds. Large hayfields or pastures (e.g., 10+ acres) dominated by grasses and sedges may support grassland-breeding birds, depending on the meadow size and configuration, the mowing schedule, or the intensity of grazing. Grassland breeding bird populations have experienced steep declines in recent decades in the northeastern US. The land within the CEA may include swamps, wet meadows, other wetlands, shrublands, and bedrock outcrops (ledges). General ecological values of such habitats are described in the New Lebanon Natural Resource Conservation Plan and the Natural Resources Inventory for Columbia County. The forests in the proposed CEA are part of a very large forest (5000+ acres) of the Taconic Ridge that extends into Rensselaer County, NY, and Berkshire County, MA. This has been identified by the New York Natural Heritage Program as part of a forest “linkage zone”—providing important connectivity between the even-larger “matrix forests” of the Northeast. The Warm Spring CEA is within the Taconic Mountains Significant Biodiversity Area, an area designated by the New York State Department of Environmental Conservation because of the large forests, plants and animals of conservation concern, and importance as a water source feeding the wetlands, streams, and groundwater of the valleys below. This area is also within the “High Taconics” conservation area identified in the New Lebanon Natural Resource Conservation Plan to draw attention to the special habitats of the Taconics, the warm spring, and the scenic importance of these hills visible from places along and westward of NYS Routes 20 and 22.

3. Based on the foregoing and on all prior proceedings in this matter, the Town Board hereby designates the emergence site of the Warm Spring and the landscape contribution area as shown on Exhibit A hereto as the Warm Spring Critical Environmental Area pursuant to 6 NYCRR § 617.14(g).
4. The Town Board hereby establishes that upon the effective date of this designation, which shall be 30 days after filing with the Commissioner of the New York State Department of Environmental Conservation, the potential impact of any Type I or Unlisted Action on the environmental characteristics of the Warm Spring Critical Environmental Area, as set forth in the Warm Spring Critical Environmental Area report annexed hereto as Exhibit E, is a relevant area of environmental concern and must be evaluated in the determination of significance prepared pursuant to 6 NYCRR § 617.7.
5. The Town Board hereby authorizes and directs the Town Supervisor to provide such notification and filings as may be required by 6 NYCRR § 617.14.

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

Roll Call Vote:

Councilmember Britt Buckenroth	Aye
Councilmember Deborah Gordon	Nay
Supervisor Tistrya Houghtling	Aye
Councilmember John Trainor	Aye
Councilmember Marianna Anthonisen	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: May 10, 2022

Marcie Robertson

New Lebanon Town Clerk

Broadband Grant Update:

Supervisor Houghtling stated that at the last meeting she reported that they are almost to an agreement between the four towns as far as what each town pays for the part not covered by the grant. Since then, we learned that we now have to go through a USDA process to access the funding that was earmarked for our 4-town project. This will delay the project slightly and we are still learning what this next step in the process will entail. Congressman Delgado is working with USDA to create a more streamlined process than their regular process which can be very involved and lengthy.

Supervisor Houghtling stated that we were earmarked this money, it has been set aside for us but it has to go through a governmental entity through their application process. She stated that the USDA is not a great process from what she has heard. Mike Tucker and the CEDC have offered to assist because there will be environmental reviews and other engineer plans that will need to be presented through the process and the CEDC is very versed in this process.

Replace Fencing At Shatford Park:

Supervisor Houghtling stated that we went out for an RFP for the replacement of the fencing at Shatford Park and she waived the reading of the bid notice and asked that it be fully entered into the minutes.

**NOTICE TO BIDDERS
FENCING FOR SHATFORD PARK
TOWN OF NEW LEBANON
COUNTY OF COLUMBIA**

NOTICE IS HEREBY GIVEN that the Town of New Lebanon, NY is seeking bids for the following: replacement fencing for all of the existing split rail fencing around the perimeter of Shatford Park, the Town's Municipal Public Park. All fencing must be installed at Shatford Park, 170 Old Post Road, New Lebanon, NY, 12125.

All bids must adhere to the following specifications:

- **1,550 LF of 2 rail split rail fencing**
- **Installation of new fencing and removal of old fencing**
- **All posts must be locust wood**
- **All rails must be hardwood or non-pressure treated, rot resistant softwood**
- **Please specify wood type for the rails in your bid**
- **All wages must be quoted and paid at NYS prevailing wage rates**

Please also include a part B to your bid (separate prices that can be an add on if the town decides to move forward) with the following:

- **Options for 240 LF of the 1,550 LF of 2 rail split rail fencing to have a protective barrier from balls and other items being able to go into the street (this is for the section where our playground is as it is right on the road and we want a safety barrier in place)**
- **You can present multiple different options such as a mesh barrier, a wire barrier, a plant barrier, etc. with the cost options for each**
- **Please include a photo example of each option presented**
- **All wages must be quoted and paid at NYS prevailing wage rates**

Bids will be received by the Town Clerk of the Town of New Lebanon, NY, Town Hall, 14755 Route 22 North, New Lebanon, NY 12125. until 4:00 PM on or before Friday, May 6th, 2022. at which time and place they will be publicly opened and read aloud, with the contract being awarded, if acceptable, on Tuesday, May 10th, 2022, 7:00 PM, at a Regular Meeting of the Town Board at 14755 Route 22, New Lebanon, NY 12125.

No bid will be accepted unless a signed Certificate of Non-Collusion is submitted with the bid. A certificate of non-collusion can be obtained by emailing townclerk@townofnewlebanon.com. All bids must be submitted in a plain, unmarked envelope with "Park Fencing" written on the envelope.

The Town of New Lebanon Town Board expressly reserves the right to waive any irregularities in or to accept any bid or to reject any and all bids or to award on any or all items. No bidder may withdraw his/her bid within twenty-five (25) days after the actual date of the bid opening.

By order of the Town Board, Town of New Lebanon, New York

By: Marcie Robertson
Town Clerk
Town of New Lebanon, NY

4/18/2022

Deputy Town Clerk Saviano read the bid that was received as follows:

Berkshire Fence Company

1625 West Housatonic Street, Pittsfield, MA 01201

Phone: 413-443-4515 Fax: 413-447-9984

Town of New Lebanon Job: Shatford Park

May 3, 2022

P R O P O S A L

We hereby submit specifications and estimates for:

Labor and materials to install:

Base Bid:

- Furnish and install 1,550 LF of new 2 rail, split rail fence. Posts to be locust, rails to be mixed hardwood. =\$26,830.00
- Take down and dispose of old fence =\$5,425.00
 - Base Bid Total =\$32,255.00

Alternate B

- Install 240 LF of 3' high black 2"x4" welded wire to back side of the new fence from above. Attached with staples. See attached picture (picture is of a 3 rail fence, but this is how the wire would look attached). =\$2,400.00

*Tax Exempt, Prevailing wages included.

Supervisor Houghtling stated that the good news is that quote we have received now compared to what they quoted back in 2021 for prior Councilmember Newton has not really increased. She stated that there was discussion at the last meeting about the section of fence along the Old Post Road area and the safety concerns for children at play in the park and the possibility of getting a safety fencing installed. Berkshire Fence also included an option for this as well at a cost of \$2,400.

Councilmember Gordon stated that she thought they had budgeted \$20,000 for the replacing of the park fencing and a roof for the pavilion. What happens to the pavilion roof now?

Supervisor Houghtling responded that she didn't know the cost of the pavilion roof and she thinks that it is unrealistic to think that you can do a pavilion roof and a fence for \$20,000. She apologized and stated that those estimates were based on a proposal budget request that came in from the department head and liaison at the time. She stated that the town has the unallocated funds that they are trying to get the balance down on and if they decide that the pavilion roof is something that needs to be done this year then they can find the money for it. Otherwise, her recommendation would be that would be a project for next year.

A motion was made by Supervisor Houghtling to accept the proposal from Berkshire Fence Company for a base bid of \$32,255 and alternate B for \$2,400. The motion was seconded by Councilmember Anthonisen.

Roll Call Vote:

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

Skatepark:

Councilmember Buckenroth stated that both prior Councilmember Newton and Barton & Loguidice deemed that the skatepark is still salvageable. It will need some replacement wood however the skate lite, which is the expensive part, is in good shape and we have extra sheets for parts that got broken in the move. She stated that we asked Barton & Loguidice to put together engineering plans to put down a concrete slab for the skatepark but she thinks it should be noted that the slab would not be a permanent home for that skatepark, it is a wooden skatepark, it's going to last about five years.

Councilmember Buckenroth continued to say that the concrete slab would be pre-fit so that after the skatepark's life is over they can put up basketball hoops and turn it into a usable space. She stated that personally she would rather go for a permanent skatepark but that is down the road and would need different funding. For now, they are proposing to put down a slab for this skatepark and make it 50' by 84'. She stated that a couple of paved spaces in the park are not a bad thing to have. The Master Park Plan will help them to figure out a good place to put it.

Supervisor Houghtling stated that Barton & Loguidice did provide a quote for the engineered plans for the skatepark base which would be a multiphase concrete base that could be turned into a basketball court or other use and they said that the company that is likely to bid on the splash pad is a concrete company that would also bid on the concrete slab base and if we could do both projects at the same time it may result in a discount.

Supervisor Houghtling stated that she didn't want to hold up the splash pad because she was hoping that they can use it this summer and hopefully they will be going out to bid with that tonight. If they give Barton & Loguidice the go ahead tonight on the skatepark slab, they will get to work on it right away. Depending on the timing they can send it out as an addendum to the splash pad bid package that would already be out to bid or they can make it a change order to that awarded contract and they would let the bidders know ahead

of time that this extra work will be coming through an addendum if they don't have the full package together in time.

Councilmember Gordon asked if they have an estimate for them if it is poured independently?

Supervisor Houghtling responded that when they went out to bid the last time for just the concrete, no labor it was about \$30,000.

The Town Board held further discussion.

Councilmember Gordon stated that when the Town Board approved the donation of the skatepark a couple of years ago, this was going to be a freebie, handled by volunteers and up until now it has been. Now we are starting to realize how naïve we were, the cost of this is changing drastically. There is a \$7,000 bill to design the concrete pad, an estimated \$60,000 to create the concrete pad. There was a suggestion in the survey that this money could come out of ARPA funds, it would be a quarter of all of the ARPA funds awarded to the town. She continued to state that this is a big increase over where they started. They don't know the cost of repairing and installing the existing wooden features are and she feels uncomfortable voting on something like this without understanding what the costs are. She pointed out that all of this is to serve a pretty small portion of our residents for a few years. There are approximately 400 school aged children in new Lebanon, what portion of them is interested in skateboarding? What portion of them is interested in any given sport; baseball, basketball or tennis? Maybe a quarter, so about 100 kids for this 1/22nd of our population we'll invest one quarter of our ARPA funds so that they may enjoy them for maybe five years. What about the 21/22nd of the population whose needs and interests the board members also represent? Where is the equity?

Councilmember Gordon stated that as far as converting the defuncted skatepark pad into a second basketball court, just because they can think of a use for the pad doesn't mean there is a need for it or that it is a good idea. She stated that they have been told that the current basketball court is the most used feature of the park, has that been documented? She stated assuming that it is true, does that mean that it is really fully used? That there is really a need for a second one. She stated that her kitchen sink is probably the most used feature of her kitchen and it would never occur to her to put a second one in for that reason.

Councilmember Gordon continued to state that turning the concrete pad into a basketball court will require an additional investment and how much? She stated that they should know all of these things before they decide to go ahead with this. She stated that her bigger concern is more general, the park projects, the proposal for the community center, these are

all appealing things but they are icing. She stated that our problem in New Lebanon is that we lack cake. As she has mentioned a couple of times in the past, the town's business district has been in decline for at least the twenty years that she has lived here, probably closer to fifty. Many smart and dedicated people whom they know have tried and failed to stem that decline. In the two and a half years that she has been on the board, they have made no meaningful progress towards cake creation and yet they are proposing to spend almost \$300,000 this year on the park. She continued by saying icing is pretty and God knows it's tasty but they need to focus on cake.

Councilmember Buckenroth stated very well said.

Supervisor Houghtling stated that when she was involved in getting the skatepark and the Town Board accepted the free skatepark, it was not that it was going to cost the town nothing. She stated that they knew the whole time and acknowledged publicly and to the Town Board that they would need to put it on a concrete base, so that was always an expense. She stated that part of the argument that she made was that it is a \$300,000 skatepark and if the town spends \$50,000 putting in a concrete slab, they now have a \$350,000 asset for \$50,000. Supervisor Houghtling stated that she knew that prior Councilmember Newton was hoping to do the concrete slab with volunteers and he was given the space to do that as it was his project that he was overseeing. She stated that it didn't happen and now we have accepted this valuable skatepark as a donation from a community member in Ghent that wanted to see it to be continued to be used by the youth in the county and greater community. They did so knowing that it would need a slab and they tried the volunteer route and that didn't work. She stated that she feels they are at a point where they either continue with what they knew they were taking on. The outdoor skate lite material could last a long time with a cover over it and that is something that they did discuss doing in the future. She continued to state that if it stays uncovered, it's useful life might be five to seven years with proper maintenance.

Supervisor Houghtling stated that one vision that she has is to start raising money from the community and campaigns to get a concrete skatepark in the park. That is a much larger investment and cost. She stated that all during COVID they had kids skating under the pavilion and they had to pull their equipment out for every rental. She stated that she sees this as a temporary measure that doesn't leave them with a 50' by 80' concrete slab with no use. She stated that consistently the Summer Camp and members of the community are roller blading and playing hockey, riding bicycles, chalk drawing among other things on the tennis and basketball courts and that is not the intended use for the courts. The ice-skating rink, instead of going under the pavilion could go on the concrete slab. She feels that there are a lot of different uses even if they weren't going to put the

skatepark up. She stated that she would argue that a concrete slab in the park for these types of activities could be useful.

Supervisor Houghtling stated that New Lebanon is an aging community and she would like to see that shift. Part of how you attract young families to a community is by having things for young people to do. Both the Community Center and the skatepark is moving in a direction, if we continue to age and don't draw young families into our community, what then? She stated that she thinks investing in our young people is investing in our town and she doesn't disagree that they should invest in our businesses and that there are other places to invest but she doesn't see it as either or.

Supervisor Houghtling stated that in her estimation doing the skatepark was happening and should happen and whether the community thinks they should spend ARPA funds on that or not is what the ARPA survey is for. If the community says no, this isn't how they want the ARPA funds spent, that is fine, but they do have \$45,000 in an account for Shatford Park and that money could be utilized, it has been set aside by prior boards for projects in Shatford Park.

Councilmember Buckenroth stated that she is so torn on this. When she campaigned, she was pro skatepark. Now that she has been here for five months and reading all of the data about the town and the number of young people is much smaller than the older population. She stated that seeing and recognizing that made her shift her thinking.

Councilmember Trainor stated that he hates to think of the donation of the skatepark deteriorating every day. He stated that he appreciates Councilmember Gordon's points and that he is torn as well in terms of balancing what they are able to do.

Councilmember Anthonisen stated that she agreed that they might not need a second basketball court but she does see that there is no place for kids to ride their bikes and she doesn't look at the skatepark as just a place for kids. She thinks of it as multigenerational.

The Town Board held further discussion.

A motion was made by Supervisor Houghtling approving the design phase services fee in the amount of \$7,000 from Barton & Loguidice for the evaluation and design of a concrete pad for a skatepark with the authorization for Barton & Loguidice to add this as an addendum to the splash pad bid package or a change order contingent completely on getting authorization from the insurance company that the way that we are going about this with professional installing the concrete slab and volunteers reconstructing the skatepark is

okay. The contingency is that they don't move forward with the \$7,000 either until they get word that it is okay. The motion was seconded by Councilmember Buckenroth.

Roll Call Vote:

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

Resolutions for DOT Requests – Routes 20 & 22:

Supervisor Houghtling stated they have two DOT requests via resolutions, Route 20 and Route 22.

Route 20:

TOWN OF NEW LEBANON

RESOLUTION #16, 2022

REQUEST TO REDUCE THE SPEED LIMIT & REMOVE PASSING ZONE ON ROUTE 20

MAY 10, 2022

At the regular monthly meeting of the New Lebanon Town Board, held at the New Lebanon Town Hall, 14755 NYS Route 22, New Lebanon, New York, duly called and held on the 10th day of May 2022, the following Resolution was proposed and seconded:

Resolution by Supervisor Houghtling

Seconded by Councilmember Buckenroth

**CALLING ON THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION
(NYS DOT) TO REDUCE THE SPEED LIMIT ON STATE ROUTE 20 AND
REMOVE THE PASSING ZONE BETWEEN SCHOOLHOUSE ROAD AND MILE
MARKER 20-8122-1024 IN NEW LEBANON, NY**

WHEREAS, the New Lebanon Town Board recognizes that State Route 20 between Schoolhouse Road and mile marker 20-8122-1024 in New Lebanon passes our elementary school, and

WHEREAS, the speed limit that is safe for the school zone is no more than 35 miles per hour, and

WHEREAS, the current posted speed limit is 45 miles per hour, and

WHEREAS, there is currently a passing zone as you approach the elementary school coming from the Westerly direction, encouraging cars to speed up as they approach the school, and

WHEREAS, there is currently a lack of signage alerting people to the fact that they are travelling through a school zone and to slow down accordingly.

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of New Lebanon does hereby call on the New York State Department of Transportation to reduce the posted speed limit on State Route 20 between Schoolhouse Road and mile marker 20-8122-1024 in New Lebanon, NY, to **35 mph** and to change this section to a no passing zone for the entire length as well as install additional signage to alert and remind motorists of the no passing zone and the school zone for the safety of our children.

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

Roll Call Vote:

Councilmember Britt Buckenroth	Aye
Councilmember Deborah Gordon	Aye
Supervisor Tistrya Houghtling	Aye
Councilmember John Trainor	Aye
Councilmember Marianna Anthonisen	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: May 10, 2022

Marcie Robertson, Town Clerk

Town of New Lebanon

Route 22:

Supervisor Houghtling waived the reading of the resolution.

TOWN OF NEW LEBANON

RESOLUTION #17, 2022

REQUEST TO REDUCE THE SPEED LIMIT ON ROUTE 22

MAY 10, 2022

At the regular monthly meeting of the New Lebanon Town Board, held at the New Lebanon Town Hall, 14755 NYS Route 22, New Lebanon, New York, duly called and held on the 10th day of May 2022, the following Resolution was proposed and seconded:

Resolution by Supervisor Houghtling

Seconded by Councilmember Gordon

CALLING ON THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION (NYS DOT) TO REDUCE THE SPEED LIMIT ON STATE ROUTE 22 BETWEEN POOLE HILL ROAD AND CEMETERY ROAD IN NEW LEBANON, NY

WHEREAS, the New Lebanon Town Board recognizes that State Route 22 between Poole Hill Road and Cemetery Road in New Lebanon has a blind corner where cars pull onto Route 22 from Old Post Road making it extremely dangerous to pull onto Route 22 from Old Post Road when cars are coming down the hill at current speeds, and

WHEREAS, this stretch of Route 22 passes by our town park and our high school where children are often walking along the road from one location to another, including young children in the summer for summer camp, and the high school students are often walking along the road from the school to the student parking lot, and

WHEREAS, there are no sidewalks along this section of Route 22 causing children to be walking on the shoulder of the road, and

WHEREAS, there is currently no signage indicating that there is a school zone to caution people to go slow for the safety of the children, and

WHEREAS, the speed limit that is safe for the condition of the road considering all of these factors is no more than 30 miles per hour, and

WHEREAS, the current posted speed limit is 40 miles per hour.

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of New Lebanon does hereby call on the New York State Department of Transportation to reduce the posted speed limit on State Route 22 between Poole Hill Road and Cemetery Road in New Lebanon, NY, to **30 mph** and to add in signage indicating that it is a school zone near the high school.

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

Roll Call Vote:

Councilmember Britt Buckenroth	Aye
Councilmember Deborah Gordon	Aye
Supervisor Tistrya Houghtling	Aye
Councilmember John Trainor	Aye
Councilmember Marianna Anthonisen	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: May 10, 2022

Marcie Robertson, Town Clerk

Town of New Lebanon

Shatford Park Road - Potholes:

Supervisor Houghtling stated that the Highway Department re-did the road through the park fixing all the potholes. She publicly thanked Highway Superintendent Winestock.

New Splash Pad In Shatford Park – Going Out To Bid:

Supervisor Houghtling stated that at the last meeting they approved engineered plans by Barton & Loguidice for the splash pad. At tonight’s meeting the board needs to approve the overall design and splash pad components.

The Town Board held discussion on the shape of the splash pad and the specific costs related to each item in the plans.

A motion was made by Supervisor Houghtling to go out to bid for construction of the new park splash pad utilizing the engineered plans prepared by Barton & Loguidice and authorizing Councilmember Buckenroth and Supervisor Houghtling to work out the final details with Barton & Loguidice before the final bid documents go out with bids to be received at the Town Clerk’s office by Friday, June 10th, 2022 at 4:00pm with bids to be accepted or rejected at the Town Board meeting on June 14th, 2022. The motion was seconded by Councilmember Anthonisen.

Roll Call Vote:

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

Supervisor Houghtling asked the remainder of the Town Board how they felt about having some wiggle room to be able to get a splash pad that is what they need versus staying tight within the budget? The board wanted to stay in budget if possible, but leave wiggle room to get a quality splash pad.

CSC Vacancy – Letters of Interest Received:

Supervisor Houghtling stated that no letters of interest were received.

Highway Superintendent – Appointed vs. Elected – Local Law Introduction:

Supervisor Houghtling stated that at the last meeting the Town Board decided to move forward with giving the public the option. This local law is subject to mandatory referendum, all the board is doing is going out to the public to decide if they want it to remain elected or would they like it to become appointed.

Supervisor Houghtling stated that Highway Superintendent Winestock has mentioned several times that he will be retiring, if ever they are going to change it, now would be the time. The local law is prepared by the Town Attorney

A motion was made by Supervisor Houghtling, seconded by Councilmember Buckenroth and approved unanimously to introduce Introductory Local Law #3 of 2022 and to schedule a Public Hearing on June 14th, 2022 at 6:55pm.

NY Stretch Code Local Law Introduction:

Supervisor Houghtling stated our Climate Smart Task Force had asked the Town Board a while ago to consider this NY Stretch legislation in New Lebanon. She stated that she was opposed because she doesn't want to force property owners to do anything on their property. CEO Hattat wasn't fully in favor either due to the costs involved in new construction would increase. Then CEO Hattat took a training and found out that the state is going to mandate this, it will become required. If the town adopts it by the end of June of this year, we get a significant amount of grant funding through NYSERDA for adopting it early. CEO Hattat thought if we have to do it anyway, why not do it and get the incentive for doing it.

Supervisor Houghtling stated that there is a slight modification. In summary, after they created the NY Stretch document, they found that there was a conflict with other state codes in requiring the mechanical ventilators. They now advise deleting them from their requirements. Supervisor Houghtling sent this to the Town Attorney and he made the amendments.

The Town Board reviewed Part 1 of the SEQR process prepared by the Town Attorney.

A motion was made by Councilmember Buckenroth, seconded by Councilmember Trainor and approved unanimously to classify the action under SEQR as an unlisted action and authorize Tistrya Houghtling, Town Supervisor to execute the short environmental assessment form Part 1 as prepared by the Town Attorney for the Town.

A motion was made by Supervisor Houghtling, seconded by Councilmember Buckenroth and approved unanimously to introduce Introductory Local Law #2 of 2022 and schedule a Public Hearing for Tuesday, June 14th, 2022 at 6:50pm.

Main Street Revitalization:

Supervisor Houghtling stated there is not much to report but want to keep it on the agenda. Tony Murad, ZBA Chair and ZRC Member connected her with the company that did a report for New Lebanon years ago. She will also connect with LaBerge to see what ideas they might have.

Mary Young asked that the name be changed from Main Street to something other than so that people do not get confused with Route 20 and the actual Main Street.

Fund Balance Update:

Supervisor Houghtling stated that the Town Accountant updated the Historical Fund Balance Analysis to give the balance as of 12/31/2021. Supervisor Houghtling gave a brief overview. She noted that the row “appropriated to pay for 2022 expenditures as of 4/30/22” includes both the amount they pulled into the 2022 budget and the budget amendments they have done so far in 2022 pulling money in from our fund balance. They are taking the \$20,000 in highway equipment reserves and \$18,250 from the highway fund to pay for the engine repair which will leave highway fund around zero. She stated that they can pull the \$45,500 into the budget for the skatepark if they want to move forward with getting the concrete pad installed this year. The landfill cannot be touched and the ARPA is our 1st half received so far. That leaves the \$847,598 in general that they need to put into capital accounts this budget season. Supervisor Houghtling and the town Accountant are taking a training and will understand better how to do this, the Town Board can then decide where they want to allocate what money to.

See Addendum A

NEW BUSINESS:

Highway Truck Engine Issue:

Supervisor Houghtling stated one of the town’s large highway trucks needs an engine replacement. She spoke with the head of the company and they reported that the truck is in very good condition, this is not anything caused by lack of maintenance from the

Highway Department. He stated that the engines on these trucks are known to have issues. The truck is over eleven years old so there are no warranties available. She continued to state that the truck is in very good condition and the recommendation from Highway Superintendent Winestock and Allegiance Trucks is that it is worth investing \$30,000 to put in a new engine and he recommends extending the warranty on the engine from two years to four years which is included in the quote. The core charge estimates of \$4,000 is an estimate, they will not know if they have to pay that amount until after the old engine has been removed. So, at the most it will cost \$38,250 but more realistically it will be \$34,250.

A motion was made by Supervisor Houghtling to approve the quote from Allegiance Trucks for a cost of \$38,250 for an engine replacement. The motion was seconded by Councilmember Trainor.

Roll Call Vote:

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

Complete Streets Program Update:

Mary Young, NL Rep to CC Traffic Safety reported that she looked it up and it is a Federal Policy which formalizes a community's intent to plan, operate and maintain streets that are safe for all users and abilities. The goal is to have the most recent designs and ideas for safety of those using the streets to be used when planning, updating, designing or constructing the street. Federal funding for projects is tied to this program. She stated that as a town, we do not control the street production for any State or County Street. This would only apply if the Town were looking to change something. To join the Complete Streets Program, a community must pass a resolution specifying their desire and commitment to include citizens as well as Elected Officials, planners, engineers and architects to use an interdisciplinary approach toward planning streets and roads in town. This resolution is then sent to Complete Streets and our community will be added to the list. Mary continued to explain that New York State joined this program in 2012, Columbia County has not joined the program and nor can Mary find any town in Columbia County that has joined the Complete Streets Program. She reported that some of the things that the program has done are all of the round-a-bouts for the State of NY.

Mary Young, NL Rep to CC Traffic Safety continued that obviously our main roads are controlled by the State and County and joining this program would give us a seat at the table for any design changes that could occur. That would give New Lebanon a voice. Any

road development that would be initiated by the Town such as in a case of a new housing development would fall under this program so the things like streets being able to have emergency vehicles get through, all of the roads in the Town of New Lebanon do not accommodate a fire truck. There could be bike lanes and on and off-street parking are just a few of the ideas that we could be included in designs that New Lebanon did as a town. Mary provided the board with examples of two resolutions from two towns in Herkimer County that she is familiar with.

Supervisor Houghtling responded that as she understands, if New Lebanon joins this program, there is nothing regulatory that the town has to do but it gives the town a larger voice for things the Town may want to do, such as if the Town wanted a crosswalk on the Route 20/22 corridor with a light for pedestrians this pledge to be a part of this program could potentially give the Town more insight with NYS DOT.

Mary Young, NL Rep to CC Traffic Safety clarified that this would apply if the State or County were to redesign a road, not upkeep or maintenance such as filling potholes or paving over an existing road. She continued to state that with a repaving scenario they would still get a seat at the table offering the ability to discuss such things as altering passing zones.

There was further discussion held. The board agreed to move forward with creating the resolution.

Employee Evaluations Update:

Supervisor Houghtling stated that employee evaluations have been completed. The goal when this was adopted was that the evaluations done in April were to help the employee and the employer know the areas of strengths and weaknesses and what might need to be improved on to increase the score for the October evaluations, what training or support the employee might need to improve those areas. The October evaluations are the ones used if the Town Board decides to give raises. She stated that she has received all evaluations with the exception on one due to illness. She reported the good news is that every employee scored above a three and most employees scored above a four as an average.

CSC Resignation:

Supervisor Houghtling stated that unfortunately Peg Munves has resigned from the CSC and she thanked her for her service on the CSC.

A motion was made by Supervisor Houghtling, seconded by Councilmember Gordon and approved unanimously to accept the resignation from Peg Munves from the CSC.

Online Meetings Ending – Expand Town Hall Streams:

Supervisor Houghtling stated that online meeting is ending as of June 8th, 2022. In order to continue the Town Board would need to adopt a Local Law and even then, online attendance is only under certain circumstances such as illness, caring for an ill relative in the home, it is very specific. Supervisor Houghtling stated that she checked with all boards and committees and only the Ethics Board asked for the Town to consider adopting the Local law. When Supervisor Houghtling discussed this with the Chair of the Ethics board and explained that they were the only ones that requested this, they would be the only ones. The chair told her to never mind, they can make in person meetings work.

If no local law adopted, effective June 8th things will go back to the way they were before. If someone needs to attend online, they still can, they can either be a non-voting member and just attend from where they are or they can advertise their location and the public can be present at their location.

Supervisor Houghtling stated that her request to the remainder of the Town Board is to increase Townhall Streams. Currently they pay \$150 a month for three meetings a month, they have a Town Board meeting, a Planning Board meeting and a Zoning Re-Write Committee meeting that are all streamed. She stated that there are other committees that have been meeting online and have been accessible to the public that will no longer be available via online. Many of those committees requested that they would like to have live stream ability. It would be an additional \$100 for unlimited.

A motion was made by Supervisor Houghtling to increase Town Hall Streams to unlimited for a total of \$250.00 per month. The motion was seconded by Councilmember Buckenroth.

Roll Call Vote:

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

Deputy ZEO Appointment:

Supervisor Houghtling stated that when they switched the positions in the building department, Cissy and Jeff felt they didn't need a Deputy ZEO as the ZEO work is not emergency work being on call like the CEO and the ZEO could just do the tasks when she returns from vacation or illness. Now they are realizing there are potential applications that could have a conflict for the ZEO and a Deputy ZEO would potentially be needed in these situations. They are requesting we appoint Jeff Hattat as Deputy ZEO without his hours or rates or anything changing since it would be limited and as needed.

A motion was made by Supervisor Houghtling, seconded by Councilmember Trainor and approved unanimously to appoint Jeff Hattat as Deputy ZEO for the remainder of 2022.

NYS Local Retirement System Resolution:

Supervisor Houghtling stated every employee on retirement that doesn't do a time card has to either certify that their hours have not significantly changed or they have to submit a new calendar of hours. The Summer Camp Director is going to do an annual ROA.

TOWN OF NEW LEBANON

RESOLUTION #18, 2022

STANDARD WORK DAY AND REPORTING RESOLUTION FOR 2022

May 10, 2022

At the regular monthly meeting of the New Lebanon Town Board, held at the New Lebanon Town Hall, 14755 Route 22, New Lebanon, New York, duly called and held on the 10th day of May 2022, the following Resolution was put forth for enactment:

Proposed by Supervisor Houghtling

Seconded by Councilmember Buckenroth

Standard Work Day and Reporting Resolution for 2022

BE IT RESOLVED, that the New Lebanon Town Board hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the time keeping system records or the record of activities maintained and submitted by these officials to the clerk of this body:

Title	Name	Standard Work Day (Hrs/day)	Term Begins/Ends	Participates in Employer's Time Keeping System (Y/N)	Days/Month (based on Record of Activities)	Not Submitted
Elected Officials						
Highway Superintendent	Jeffrey Winestock	6	1/1/2020 – 12/31/2023	No	33.17	
Town Supervisor	Tistrya Houghtling	6	1/1/2022-12/31/2025	No	25.92	
Town Clerk	Marsha Robertson	6	1/1/2020-12/31/2023	No	27.00	
Town Justice	Jessica Byrne	6	1/1/2022-12/31/2025	No	3.18	
Tax Collector	Tamara Darcy	6	1/1/2020-12/31/2023	No	3.46	
Town Board	Marianna Anthonisen	6	1/1/2022-12/31/2025	No	5.3	

Appointed Officials						
Title	Name	Standard Work Day (Hrs/day)	Term Begins/Ends	Participates in Employer's Time Keeping System (Y/N)	Days/Month (based on Record of Activities)	Not Submitted
CEO/ZEO/ Building Dept Administrator	Hazel Hernandez	6	1/1/2022- 12/31/2022	No	39.04	
SYP Program Director	Kristyn Kreutziger	6	1/1/2022- 12/31/2022	No		XX*Annual ROA
Appointed Officials						
Assessor	Kimberly Smith	6	10/1/2019- 9/30/2026	No	9.89	
Dog Control Officer	Maggie Banker	6	1/1/2022- 12/31/2022	No	0.857	

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

Roll Call Vote:

Councilmember Britt Buckenroth	Aye
Councilmember Deborah Gordon	Aye
Supervisor Tistrya Houghtling	Aye
Councilmember John Trainor	Aye
Councilmember Marianna Anthonisen	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: May 10, 2022

Marcie Robertson

Town Clerk

Town of New Lebanon

Ethics Board Resignation:

Supervisor Houghtling stated they received a resignation from Georgette Tefoe from the Ethics Board.

A motion was made by Supervisor Houghtling, seconded by Councilmember Anthonisen and approved unanimously to accept the resignation of Georgette Tefoe from the Ethics Board and go out for letters of interest with letters of interest to be submitted to the Town Clerk's Office by Friday, June 10th, 2022 at 4:00pm and interviews if necessary to be held on June 14th, 2022 at 6:30pm and to schedule a Special Meeting for those interviews.

Policy Review – Personnel Policy & Pavilion Fee Waiver Policy:

Pavilion Fee Waiver Policy:

A motion was made by Supervisor Houghtling, seconded by Councilmember Trainor and approved unanimously to amend the Pavilion Fee Waiver Policy to add in the American Legion as one of the organizations exempt from the rental fee.

Councilmember Trainor left the meeting at 9:23pm due to illness.

Personnel Policy:

Supervisor Houghtling stated that we got our first Union contract with the Teamsters Union for the Highway Department, in that contract there were changes that needed to be made to the personnel policy such as; a highway department employee who gets called in on off standard hours they will get at least four hours of pay, bereavement leave, adding Juneteenth as a town holiday and removing a float holiday, adding in wording for holidays that fall on weekend days, given vacation time falls on the employees anniversary date of employment, fulltime employees eligible for health insurance after 90 days of employment, buy out option for health insurance wording to match the union contract, clarification that dental coverage is still available if health insurance buy out has been taken, adding in workers' compensation language that was in the union contract and adding in the wording for Columbus Day / Indigenous Peoples' Day to the list of holidays.

TOWN OF NEW LEBANON

RESOLUTION #19, 2022

PERSONNEL POLICIES

MAY 10, 2022

At the regular monthly meeting of the New Lebanon Town Board, held at the New Lebanon Town Hall, 14755 NYS Route 22, New Lebanon, New York, duly called and held on the 10th day of May 2022, the following Resolution was proposed and seconded:

Resolution by Supervisor Houghtling
Seconded by Councilmember Buckenroth

PERSONNEL POLICIES

[HISTORY: Adopted 12-13-2004; amended 2-14-2011, 9-13-2016, 11-13-2018, 1-1-2021, 2-9-2021 & 5-10-2022.]

Purpose; applicability.

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

Equal employment opportunity policy.

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

Americans With Disabilities policy statement.

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

Civil service; part-time employment.

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

Work schedule.

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

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

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

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

Probationary period.

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

Definitions.

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

ANNIVERSARY YEAR

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

CALENDAR YEAR

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

Overtime Pay for Nonexempt Employees and Non-Standard Hours Pay for Highway Employees

[Amended 9-13-2016, 2-9-2021 & 5-10-2022]

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

Non-Standard Hours Pay for Highway Employees: With respect to Highway Department employees only, any hours worked at the direction of the Highway Superintendent between the hours of 5pm and 5am on any Monday through Friday, as well as any hours worked at the direction of the Highway Superintendent on a Saturday or a Sunday (collectively, "non-standard hours") will be paid at a rate of one and half times the employee's regular rate, regardless of whether or not the employee has worked over forty hours in that workweek. Highway Department employees that work non-standard hours shall not be entitled to compound the overtime rate and non-standard hours' rate. Compensation for non-standard hours that also constitute

overtime hours shall not exceed, and shall be limited to, one and a half times the employee's regular rate. All non-standard hours worked must be at the direction of and first be approved by the Highway Superintendent. Highway Department employees who are called in to work "non-standard hours" shall receive no less than four (4) hours of pay.

Ethics and conflicts of interest.

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

Employee conduct; discipline and discharge.

Employees are expected to report to work as scheduled and to perform their job responsibilities to the best of their abilities and in a professional manner at all times. Civil Service Law § 75 governs the procedures the Town will follow in disciplinary actions involving employees covered by § 75. Civil Service Law § 75 provides that a covered employee may not be removed or otherwise subjected to disciplinary penalty except for incompetency or misconduct shown after a hearing on stated charges. Such employee is entitled to representation and to summon witnesses to testify on her or his behalf at the hearing. If the employee is found guilty of any charges, the Town may take disciplinary action ranging from a formal letter of reprimand to a fine, a temporary suspension, demotion, or dismissal from service. The disciplinary action taken against an employee shall be based on the nature of the disciplinary violation and/or the employee's employment record with the Town.

Leave policies [Amended 5-10-2022].

A. ***Bereavement leave:***

1) Employees shall be entitled to the following paid time off in the event of a death in the Employee's family:

- (a) 5 days for the death of a spouse or child;
- (b) 4 days for the death of a sibling or parent;

(c) 3 days for the death of a grandparent, grandchild, father-in-law, mother-in-law, stepparent, stepchild, spouse’s grandparent or any other relative residing in the employee’s household;

(d) 1 day for the death of an aunt, uncle, brother-in-law, sister-in-law, spouse’s aunt or uncle, son-in-law, daughter-in-law, niece, nephew, or former spouse with children under the age of 19.

2) All Employees shall be entitled to a maximum of 10 days leave for bereavement purposes (if the Employee has unused sick or vacation time, it can be used to extend the aforementioned days of paid leave set forth in sub-paragraph 1).

3) Bereavement leave is to be taken immediately following the death. However, there may be circumstances when the employee’s direct supervisor will recognize the need for flexibility, for example, if a memorial service is scheduled at a time in the future, complications due to travel and other extraordinary events.

4) The Town understands the deep impact that death can have on an individual or a family. Therefore, vacation, personal, sick and leave without pay are also options that may be used to extend bereavement leave, with the approval of the employee’s direct supervisor.

5) The Employer may request the Employee to submit proof of death for the purpose of payment under this provision.

B. *Holidays:*

(1) The Town recognizes 13 holidays for which most of the Town's business operations will be closed:

New Year’s Day	Martin Luther King Day	Presidents Day
Memorial Day	Juneteenth	Independence Day
Labor Day	Columbus Day/ Indigenous Peoples’ Day	Veterans Day
Election Day	Thanksgiving	Day After Thanksgiving
		Christmas

(2) In the event that a recognized holiday falls on a Saturday, it will be observed on the preceding Friday, and a recognized holiday that falls on a Sunday will be observed

on the following Monday. Part-time eligible employees do not receive paid holidays. Part-time eligible employees may use sick/personal or vacation time for pay for holidays that fall on a normal work day or they may make up the hours on another day within the pay period.

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

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

(1) Full-time employees: After completing the probationary period, full-time employees will receive 8 hours of sick and personal leave for every one month of full-time employment. Thereafter, at the start of each calendar year, full-time employees will be credited with 96 hours of sick and personal leave. Unused sick and personal time will accrue to a maximum limit of 288 hours and will be carried over from one calendar year to the next.

(2) Part-time eligible employees: After completing the probationary period or upon becoming eligible for part-time benefits, part-time eligible employees will receive 4 hours of sick and personal leave for every one month of part-time eligible employment. Thereafter, at the start of each calendar year, part-time eligible employees will be credited with 48 hours of sick and personal leave. Unused sick and personal time will accrue to a maximum limit of 144 hours and will be carried over from one calendar year to the next.

(3) Upon termination of employment, employees will not receive any compensation for unused sick and personal time.

E. Vacation leave: **[Amended 9-13-2016; amended 11-13-2018; amended 1-1-2021]**

(1) Upon successful completion of the probationary period, full-time employees will become eligible for paid vacation. Full-time employees will receive 40 hours of paid vacation after one year of service. After two years of service, full-time employees will be eligible for 80 hours of paid vacation. Thereafter, full-time employees will

receive 8 additional hours per year of service up to a maximum of 160 paid vacation hours per year. Up to 40 paid vacation hours may be rolled over into the next anniversary year upon request from the employee and approval by the Town Board, but those vacation hours must be utilized within 6 months of the employee's anniversary date.

- (2) Upon successful completion of the probationary period or upon becoming eligible for part-time benefits, part-time eligible employees will become eligible for paid vacation. Part-time eligible employees will receive 20 hours of paid vacation after one full year of service or upon obtaining part-time eligible status if they have already fulfilled one full year of service. After two years of service as a part-time eligible employee, they will be eligible for 40 hours of paid vacation. Thereafter, part-time eligible employees will receive 4 additional hours per year of service up to a maximum of 80 paid vacation hours per year. Vacation time for part-time eligible employees may not be rolled over into the next anniversary year.
- (3) Upon leaving Town service, an employee will be compensated for unused vacation time. Employees leaving employment with the Town up to 6 months after their anniversary date will be eligible for 50% of their earned but unused vacation time. If the departure occurs between 6 months and 12 months of their anniversary date, the employee will be entitled to 100% of their earned but unused vacation time; however, any employee terminated for cause will be automatically disqualified from receiving any payment for accrued vacation time.

Employee benefits.

A. Health insurance: [Amended 2-14-2011, 11-14-2017, 11-13-2018 & 5-10-2022]

- (1) Full-time employees who have worked 90 days are eligible to elect coverage for themselves and their dependents in the Town's group medical plan. Full-time employees hired prior to January 1, 2011, are eligible for 100% paid health insurance by the Town; full-time employees hired on or after January 1, 2011, are eligible for health insurance with 80% paid by the Town and 20% paid by the employee.

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

- (2) Part-time eligible employees who have worked at least 20 hours per week for the probationary period of 12 weeks or who successfully completed the probationary

period prior to becoming eligible are eligible to elect coverage for themselves in the Town’s group medical plan with 40% of the employee only premium paid by the Town and 60% paid by the employee on a bi-weekly basis as a payroll deduction. Part-time eligible employees may elect coverage for spouses, children or family but part-time eligible employees will pay 100% of the insurances premium(s) over the 40% of employee only premium on a bi-weekly basis as a payroll deduction.

- (3) Paid part-time ineligible employees who have completed the probationary period of 12 weeks are eligible to elect coverage for themselves and dependents in the Town’s group medical plan. Part-time ineligible employees will pay 100% of the insurances premium(s) on a bi-weekly basis as a payroll deduction.
- (4) Buy-out option: Full-time employees eligible for health insurance can choose a buy-out option in lieu of medical health insurance at the rates set forth below. In order to qualify for such buyout, the employee must provide proof of insurance and execution of the buy-out participation agreement. The buyout is paid in equal monthly installments included in part of the employee’s regular paycheck and subject to all applicable taxes. The buyout will be reduced by 20% for employees required to pay 20% of the insurance premiums. The buyout option is not available for part-time eligible employees.

Buy-Out Option	Annual Rate
Individual	\$2,500*
Employee plus child(ren)	\$4,100*
Employee plus spouse	\$4,800*
Family	\$7,000*

NOTES:

*Dental benefits are still available for full-time eligible employees at the cost set forth in section 1 even for employees that exercised their right for health insurance buyout as set forth in section 4.

- B. Health insurance benefits continuation (COBRA): The federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified beneficiaries

the opportunity to continue health insurance coverage under the Town's health plan when a "qualifying event" would normally result in the loss of eligibility. Some common qualifying events are resignation, termination of employment, or death of an employee; a reduction in an employee's hours or a leave of absence; an employee's divorce or legal separation; and a dependent child no longer meeting eligibility requirements. Under COBRA, the employee or beneficiary pays the full cost of coverage of the Town's group rates plus an administration fee.

- C. New York State retirement: All employees may join the New York State Retirement System and will be offered information about joining when they are hired. The standardized workday, for retirement purposes only, is a six-hour workday.
- D. Workers' compensation benefits. The Town complies with the provisions of the New York State Workers' Compensation Law and provides benefits to any employee who is injured while working. Any employee who sustains an on-the-job related injury or illness must immediately report the injury or illness to his or her supervisor. Workers' compensation benefits cover replacement income and medical expenses.

Employees covered hereunder who are injured while on duty in the course of their employment and thus entitled to Workers' Compensation payment shall be compensated in the following manner: Any payment received as Workers' Compensation benefits for absence for which the Employee also received full sick leave will be returned to the Town as long as the Employee receives full salary. The Employee shall be entitled to retain any Workers' Compensation benefits for any period for which sick leave pay is not paid or payable.

Additional Resolutions and Laws related to Personnel Policies

Approved Travel Policy

Code of Ethics

Compensation Plan

Data Breach Notification Policy

Defense & Indemnification

Key Policy

Sexual Harassment Policy

Workplace Violence Prevention Policy

NOW, THEREFORE, BE IT RESOLVED by the New Lebanon Town Board that the above amended personnel policies is adopted by the Town and shall take effect on May 10th, 2022.

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

Roll Call Vote:

Councilmember Britt Buckenroth	Aye
Councilmember Deborah Gordon	Aye
Supervisor Tistrya Houghtling	Aye
Councilmember John Trainor	Absent
Councilmember Marianna Anthonisen	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: May 10, 2022

Marcie Robertson, Town Clerk

Town of New Lebanon

Thank You Event for Town Volunteers:

Supervisor Houghtling stated that she thought it would be nice to recognize all of the volunteers that help the town with a “thank you” event.

A motion was made by Councilmember Buckenroth to spend up to \$500 for a “Thank You” event for the volunteers in town. The motion was seconded by Councilmember Anthonisen.

Roll Call Vote:

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

Park Maintenance Rate:

Supervisor Houghtling stated that they recently hired a new park maintenance staff member and when she submitted his time card to the Town Accountant at \$12.00 an hour for a rate of pay, our Accountant told Supervisor Houghtling that minimum wage is \$13.20 an hour and she couldn't pay him \$12.00 an hour. Supervisor Houghtling stated that she looked over all of the other town employee's wages and no one else is under minimum wage with the exception of the Summer Camp. Supervisor Houghtling stated that they will be doing research regarding the summer camp staff pay rate.

A motion was made by Supervisor Houghtling to increase the rate of the Park Maintenance Worker from \$12.00 an hour to \$13.20 an hour being retroactive to January 1st, 2022. The motion was seconded by Councilmember Anthonisen.

Roll Call Vote:

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

COMMITTEE/LIAISON REPORTS:

Assessor (Councilmember Gordon):

Councilmember Gordon reported the following from the Assessor:

Per the state's rules, for the reassessment, we must verify the Data we have on file for each parcel. We do that on a rotating schedule with a portion done each year. We are basically continuously out verifying data.

Just before the reassessment value analyzing happens, we send a mailing out to all parcels with any structures. The owners can review the information for accuracy and respond with any changes.

I will be sending those out within the next 2 weeks.

Thank you!

Building Department (Councilmember Buckenroth):

Councilmember Buckenroth stated no report this month.

Business & Economic Development (Councilmember Gordon):

Monte Wasch, reported the following:

The BEDC has created a new sub-committee to create a strategic, targeted marketing plan for specific business types that would (a) fill deficits in our business picture, and (b) be among those enterprises which are best able to thrive in New Lebanon. Steven Abramson was appointed Chair of this sub-committee, and will recruit additional members, with consultative assistance from Rae Gilson.

The BEDC asked the Town Board to execute a budget amendment to facilitate printing of the newly-developed brochure and map by the Outreach and Marketing sub-committee. Such amendment not to increase the total amount budgeted for the BEDC in FY 2022. The Town Board will consider this amendment at its June meeting.

The special sub-committee on infrastructure for the Town center will hold its next meeting on May 23, 2022.

Supervisor Houghtling reported on behalf of the Outreach & Marketing Sub-Committee, they have been working on the tourism brochure, Sharon Powers has done an amazing job. It has been sent to the Town Board and all of the BEDC members for feedback. They would

like to go to print and hopefully distributed by June 1st. They have enough in the budget to print the brochure and distribute it. Columbia County Tourism department will give them \$400 towards the distribution and that cost is \$190 a month. In the budget that was already approved they have enough money to print and distribute them for the months of June, July, August, September and October. She is asking for authorization from the Town Board within their budget to go ahead as the BEDC, Outreach & Marketing Sub-Committee to get the brochures printed and distributed through the distributor. Supervisor Houghtling stated that she didn't know if they needed an official motion unless anyone has any concerns, it has already been budgeted for. She stated that if the Town Board has any input to email her now or forever hold their peace because that was the intent of sending it all out to the Town Board and she hasn't heard any concerns other than it looks great and great job. The Town Board had no other comments or concerns to add.

CAC & Environmental Management & Climate Smart Task Force

(Councilmember Gordon):

Peg Munves, CAC member reported the following:

WELL WATER TESTING UPDATE:

To date the Town has received 6 confidential test reports from residents who agreed to share results. Additionally, a resident closer to East Chatham who had testing done on her own also shared those results.

We believe 20 tests were done in March and into early April around the HS. These tests were done under the NYS Inactive Landfill Initiative by both the NYS Dept Pf Environmental Conservation and the NYS Department of Health. The NYSDOH also reaches out to all those tested and discusses the results and answers questions and they are available for follow up questions as well.

All of the letters accompanying the results stated that no further testing of their wells is required at this time.

All of these tests found nothing close to minimum concerns with PFAS and associated compounds. They tested for 6 PFAS compounds as well as for chlorobenzene, arsenic, lead, manganese, sodium, ammonia as nitrogen, and iron which are routine for any well water testing.

TREES FOR TRIBS:

Unplanted plants are safely tucked in until the time they get planted, we are waiting to hear what the Park Planners have to say about locations. The planted plants are all getting health and maintenance checks which should be completed by early June. Volunteers will continue to water and maintain this summer.

Steve Powers, CSC Chair reported the following:

The CSC had a great Heat Pump webinar last week and if all those who have indicated interest sign on, we should easily reach our goal and get the \$5000 grant from NYSERDA.

We also had the Cornell grad students come down from Ithaca last Friday to give us an informative presentation on their Green Jobs for New Lebanon research. They will present a formal paper with their results later but in short, they identified 11 potential Green Jobs that high school students could walk into after receiving Questar/BOCES training. We will also present their findings which included sample curriculum to the High School, Questar/BOCES and Columbia Greene CC all of which have expressed interest.

- *We have scheduled an Electronics recycling day for June 25 in Shatford Park*
- *Our Roadside cleanup event on April 23 organized by CSC members Bob Gilson and Cathy Wilkerson was a big hit with 21 volunteers cleaning our roads. We will be planning more.*
- *Other Cornell projects:*

We watched 11 presentations from an undergrad Cornell Communications Class finding ways to reach out to a younger demographic. We will try and incorporate their ideas into our program.

Repair Café has had 2 successful popup events at the indoor Farmer's Market in the last month which were well attended.

Bike repair and distribution program is in full swing and Free Store is doing well.

As you heard, Peg Munves has decided to drop off the CSC because of her workload. We thank Peg for all that she has done in her time on the CSC. We are asking that the Town Board approve Elizabeth Poreba to replace her as an admin on the CSC Facebook group which will allow her to post. Thank you

A motion was made by Supervisor Houghtling, seconded by Councilmember Buckenroth and approved unanimously with the exception of Councilmember Trainor who left the meeting early to authorize Liz Poreba to take over the Climate Smart Facebook administration.

Bruce Shanker, Environmental Management reported the following:

Bruce Shanker reported that he didn't have much to add. He stated that the County is doing composting at the Transfer Stations, closest is in Chatham. He reported that the County Solar Campaign is on and he announced the repair cafe in Chatham on May 14 and reminded people of the Climate Carnival on July 16.

Fire, Law Enforcement & Emergency (Councilmember Trainor):

Supervisor Houghtling read the following activity summary:

April: 1 structure fire, 3 mutual aid calls, 3 trees on wire, 4 alarm activations, 2 Drills and 3 other activities including an open house and a recruitment day, 83 People and 239.92 Man Hours.

Highway (Superintendent Winestock & Councilmember Trainor):

Councilmember Trainor is absent, no report.

Historian & LVHS: (Councilmember Trainor):

Historian:

Supervisor Houghtling read the following from the Historian:

April 12 - May 9, 2022

- Met with Glenn Fisher and discussed on-going research.
- Sent information to the county for Historic sites in New Lebanon to be included in the Columbia County Historic Sites visitor's map.
- Went through the box of materials from Kevin Fuerst. Filed documents pertaining to history research that Kevin conducted.
- Met with John Trainor regarding the LVHS use of the historian's office. The LVHS will continue to share office space.

LVHS:

Councilmember Trainor is absent, no report.

Justice Court/Constable (Councilmember Anthonisen):

Councilmember Anthonisen stated no report at this time.

Library (Councilmember Buckenroth):

Councilmember Buckenroth reported the following on behalf of Michelle Hoffman: *The Friends group is having a book sale to benefit the library. It will be the Saturday and Sunday of Memorial Day weekend (5/28 & 5/29). Also, we have a new seed library. Members of the community are invited to stop in and take some home. Planting instructions are provided, and later this summer we'll offer a seed saving presentation to help folks prepare for next year's growing season.*

Buildings, Parks & Recreation (Councilmember Buckenroth):

Councilmember Buckenroth reported that Samantha Long, Recreation Commission Chair held a great Paint & Sip event and there is a food truck event coming up on June 9th and the High School Jazz Band will be performing at the event.

Seniors (Councilmember Gordon):

Mary Young reported the following:

The Office of the Aging had their second meeting for the spring in April. They have a new president; Steve King and they are still holding zoom meetings.

Michelle from OFA reported that the waiting list for aide services has been caught up and they have three aides working now and they are looking for a fourth.

The Department of Health reported that COVID vaccine clinics are still available, the times are on the website. They will be scheduling a time to come to the New Lebanon Seniors to offer vaccines.

The local New Lebanon Seniors enjoyed a concert program and a brunch at the New Lebanon Jr/Sr High School this past Friday. Meetings continue on the first and third Friday of the month for the local seniors and trips are being scheduled, the first is a whale watching trip in July.

Volunteers (Councilmember Anthonisen):

Councilmember Anthonisen stated that she is done with the survey that she has been working on and she could use some feedback from people on ways that they would like to utilize volunteers for. She won't send out the survey until after the ARPA and Master Park Plan surveys are over.

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

Comparison Committee (Councilmember Anthonisen & Supervisor Houghtling):

Supervisor Houghtling reported she will send a reminder to Jeff to set up meetings with other towns.

Quality of Life Committee (Councilmember Anthonisen, Councilmember Buckenroth & Supervisor Houghtling):

Supervisor Houghtling reported they had a great meeting; they discussed many different ways that housing could come to New Lebanon. They took on the task of reaching out to other towns to see how they attract young people and support their seniors.

Comprehensive Plan Action Item Update (Supervisor Houghtling):

Supervisor Houghtling reported that task #1, CAC will submit a proposal for adoption of CEA's, 100% complete. There are some items that either haven't been tasked yet or haven't been worked on yet. 100% complete on creating a working group that she discussed to accommodate the needs of older residents and to retain and attract younger individuals and families. 100% complete on designating Mary Young to work with Columbia County agencies to extend and increase transportation service for the elderly and disabled. 100% complete on forming a health and wellness committee, the Quality-of-Life Committee.

County Update (Supervisor Houghtling):

Supervisor Houghtling reported that the lines for Hazardous Waste Day at the County were very long, the director of Solid Waste reported that they had an

unprecedented number of people turning out for the event. Due to this demand, they are holding another Hazardous Waste Day hopefully in July.

ANNOUNCEMENTS:

JUNE: (at the Town Hall)

Tuesday, June 14th, 2022 at 6:30pm- Special Meeting (Ethics Board Interviews)

Tuesday, June 14th, 2022 at 6:50pm- Public Hearing (Local Law for NYS Stretch Code)

Tuesday, June 14th, 2022 at 6:55pm- Public Hearing (Local Law for Highway Superintendent Appointed vs Elected)

Tuesday, June 14th, 2022 at 7:00pm- Regular Monthly Meeting

PRIVILEGE OF THE FLOOR:

In addition to an in-person privilege of the floor, Supervisor Houghtling will read all comments, questions and concerns emailed to supervisor@townofnewlebanon.com during the meeting. There were no other emails for POF.

Christine Dreyfus spoke in person and read the following for POF:

January 11, I asked the Town Board to postpone the decision to spend \$30K on consultants to suggest how we might further develop what is, after several years of attention, a lovely park. It took no time at all for the Board to shoot me down.

I've read the 2 questionnaires in circulation, one on The Park, one on ARPA funds.

I wish to emphasize that the nearly \$221K ARPA funds are a once in a lifetime truly free gift practically without strings. I believe this unique gift should be used on something affecting the well-being of the Town itself and of ALL its citizens. This is a singular opportunity to think big. How we spend it reflects our values and aspirations.

As to spending ARPA funds on the park, I believe money for Shatford Park should come from the Town budget, not from a special windfall.

I believe there is true value in spending on an investigation into the possibilities of water and sewer, its costs and benefits for some part of the business district. People I know say "Everyone knows it's impossible." Yet nobody can pull a volume off the shelf with the engineering study that explains why.

"But it would cost too much." WHAT would cost too much? We have no idea.

If we think economic development is important, we ought to find out. If we value rational decision making based on facts, we ought to find out. Can we afford information for its own sake? It is my

contention that ARPA funds give us that rare opportunity to make a reasonable reach without tangible results. If we don't move forward with water and sewer, at least there will be a volume on the shelf for the next generation of town officials. So be it.

Councilmember Buckenroth responded that the results they have gotten so far on the ARPA survey are revealing that the town wants the business and economics area looked at. The park is clearly important to people but the survey is showing to date that the majority of people who have completed the survey want to see our business district improved upon. She stated that she knows they have been discussing the park a lot but the ARPA funds are still up in the air.

Mark Baumli spoke in person: He stated that he understands the water and sewer issue but it is his understanding that if this was to happen that the general tax payers would not fund the water /sewer district, that it would be funded by whomever was provided water and sewer. He stated with that said he doesn't think they should spend ARPA money that is given to us from the Federal Government for the town to utilize for other opportunities when the entire town does not have to pay and will not pay for water/sewer for one particular spot of the town. It is his thought that the ARPA money should not be spent on only that area that is going to benefit from water and sewer and have to pay for it. With that said, he keeps hearing that the town is going to reach out to these businesses and find out if they want water and sewer, where is that survey?

Supervisor Houghtling responded that the BEDC has a sub-committee and they have talked to two business owners and they are working on talking to more.

Councilmember Gordon responded that there are people on the BEDC who feel that it would be beneficial to the town if those people who are being surveyed were informed before their opinions were sought. If all of us were informed, none of us has the slightest idea what this will cost, what an individual property owner will be asked to pay, that is what the question is. Shall we inform ourselves or shall we just make the decision without knowing the facts.

Mark Baumli responded that every month he is hearing the same thing, with no results.

Supervisor Houghtling stated that the majority of the Town Board has said that they are not interested in moving forward until they know. If this were her project, she would go out and get it done pretty quickly.

Christine Dreyfus stated her little talk is the exact opposite of what they are professing so she guesses it wasn't heard as an alternative. Apparently they didn't hear what she said. She stated they don't know what they are voting on, they don't know what it would cost, they don't know what it is. She was looking for information.

Supervisor Houghtling responded and stated for the record, “It is not that I don’t hear you, I do hear you, I respectfully disagree and we can certainly agree to disagree, but it’s not that I’m not listening to what you have to say, I have a different perspective and that’s okay.”

Monte Wasch, BEDC Chair stated that the he is concerned, there is a 45mph speed zone in New Lebanon between the blinker and Canaan Road and he lives on Canaan Road, he knows that turn. If you make a right hand turn off Canaan Road into town towards the blinker you are constantly faced with a passing car because there is a passing lane there as well. He stated that it is very dangerous situation. He stated that the same thing applies to Lovers Lane in the reverse. He stated in his opinion there should be no passing there.

Supervisor Houghtling responded that they would take a look at it.

ADJOURNMENT:

A motion was made by Supervisor Houghtling, to adjourn the meeting at 10:22pm. The motion was seconded by Councilmember Buckenroth.

Roll Call Vote:

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

Respectfully submitted,

Marcie Robertson
New Lebanon Town Clerk

Addendum A

Town of New Lebanon						
Historical Fund Balance Analysis						
	General Fund	Shattford Park Reserve	Landfill Reserve	Highway Fund	Highway Equipment Reserves	ARPA Fund
Balance as of 12/31/2014	540,998	11,534	75,000	121,712	-	-
Net increase (decrease) in 2015	62,185	-	75,000	97,575	-	-
Balance as of 12/31/2015	603,183	11,534	150,000	219,287	-	-
Net increase (decrease) in 2016	(13,068)	(9,322)	225,000	39,082	51,000	-
Balance as of 12/31/2016	590,115	2,212	375,000	258,369	51,000	-
Net increase (decrease) in 2017	78,960	37,500	250,000	40,478	(44,650)	-
Balance as of 12/31/2017	669,075	39,712	625,000	298,847	6,350	-
Net increase (decrease) in 2018	151,459	5,788	-	(81,742)	20,000	-
Balance as of 12/31/2018	820,534	45,500	625,000	217,105	26,350	-
Net increase (decrease) in 2019	44,838	-	-	(56,183)	(26,350)	-
Balance as of 12/31/2019	865,372	45,500	625,000	160,922	-	-
Net increase (decrease) in 2020	12,087	-	-	48,284	-	-
Balance as of 12/31/2020	877,459	45,500	625,000	209,206	-	-
Net increase (decrease) in 2021	265,209	-	-	15,955	20,000	110,438
Balance as of 12/31/2021	1,142,668	45,500	625,000	225,161	20,000	110,438
Appropriated to pay for 2022 expenditures as of April 30, 2022	(295,070)			(206,792)		
Amount available to reserve	847,598			18,369		