

**MINUTES OF THE REGULAR MONTHLY MEETING OF
THE TOWN BOARD OF THE TOWN OF NEW LEBANON
HELD ON JUNE 14, 2022**

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

Recording Secretary: Marsha "Marcie" Robertson, Town Clerk

Others Present: Jeffrey Winestock, Highway Superintendent
David Farren, CAC Chair
Peg Munves, CAC, CSC & BEDC Member
Ted Salem, ZBA Member & ZRC Chair (7:32pm)
Bruce Shenker, NL Rep to CC Env Mgmt Council & CSC
Member
Mary Young, NL Rep to CC Office for the Aging & NL Rep
to CC Traffic Safety
Steve Houghtling, LVPA Chief
Ed Godfroy, LVPA
Monte Wasch, Planning & Ethics Board Member, BEDC
Chair (7:18pm)
Sharon Powers, IT Website Support & BEDC
Tony Murad, ZBA Chair & ZRC Member
Joe Ogilvie, Recreation Commission
Benjamin Chaput, Eagle Scout Recipient
Forest Chaput, Eagle Scout Recipient
Patrick Root, Eagle Scout Recipient
Members of the Public

CALL TO ORDER:

The meeting was called to order at 7:04pm by Supervisor Houghtling. The meeting was held in person at the New Lebanon Town Hall, 14755 State Route 22 North, New Lebanon, NY 12125 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 **May 10, 2022 Public Hearing** on the Cool Ravine CEA, **May 10, 2022 Public Hearing** on Warm Spring CEA, **May 10, 2022 Regular Meeting** and **May 20, 2022 Special Meeting** on the Skatepark were reviewed.

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

FINANCIAL:

Supervisor's Report:

The Supervisor's Report as of May 31, 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 Trainor 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:

Jeffrey Winestock, Highway Superintendent: Spoke in regard to the requested letter on the highway equipment repair. He stated that the state recommends \$35,000 and up to be put out to bid for repairs and maintenance of the vehicles. He stated that the way the Town's procurement policy is written it has expenditures of \$1,000 or less left up to the discretion of the purchasers and expenditures of \$10,000 or less but greater than \$1,000 requiring a written request or proposal with written quotes from at least two contractors, expenditures greater than \$10,000 written requests and proposals from three contractors. He stated that he had that issue with a truck. He stated that he is not being mean, but doesn't think they really understand what goes on at the highway department. He stated that if one of his pieces of equipment is broken down on the side of the road and he doesn't know what is wrong with it and he has to call someone to come and look at it. He stated for that to happen, it will cost from \$500 to \$1,000 to get someone out to look at it. They would then need to tear it apart to find out what is wrong with it and more than likely that will cost more than \$10,000 or close to that. He stated that if he needs three people to come out and look at the broken equipment to give quotes, that is already costing anywhere from \$2,000 to \$4,000 depending on how much they need to do to find out what is wrong. He stated that working on the trucks, most of the time, lights go on and you need to have a computer to work on that and lots of times during the winter months, you don't have time

to have to sit there and get multiple estimates. He stated that the recent repair is an emergency, all of his vehicles are very important to the town's safety. He stated that he is asking and recommending the town to follow the state's \$35,000, he thinks that would make more sense.

Supervisor Houghtling clarified for the board that Highway Superintendent Winestock is referring to the engine repair that they approved. They approved it based on a verbal acknowledgement by highway Superintendent Winestock that it was an emergency situation. She stated that it is actually not a recommendation by the state. She stated that over \$35,000 by law is required, there is no recommendation. She stated that they have no wiggle room there, if it is over \$35,000, they have to have three quotes unless it is an emergency situation. She stated that the letter that she is requesting from Highway Superintendent Winestock is something in writing stating that this was an emergency and he needs the truck repaired. She stated that this should have been received from him before they approved it but she didn't realize that until after. She continued to state that when it comes to the Town's Procurement Policy, they do have the ability as a board to change it and she is hearing Highway Superintendent Winestock request that when it comes specifically to repairs and maintenance on highway trucks and equipment that they raise the threshold to where they don't have discretion, which is over \$35,000.

Supervisor Houghtling asked Highway Superintendent Winestock to provide a letter on the recent truck repair that they already approved. The Town Attorney stated that they need it in writing that this was an emergency repair from the Highway Superintendent.

Supervisor Houghtling stated that the Town Board can review the Procurement Policy and discuss amending it at the next board meeting.

BUDGET AMENDMENT #5 OF 2022:

Supervisor Houghtling stated that the Town Clerk's office needed two new office chairs, the Court needed one new office chair and the Planning Board needed three new microphones. These expenses have to come out of the .2 budget line, all three departments have it in their .4 but not in .2, because these items are considered equipment and are inventoriable expenses. The money is coming from their .4's and into their .2's. The fence, as they knew when they approved the bid was \$14,655 over what they had budgeted for and they are taking that overage from the appropriated fund balance and putting it into the budget line that will be used to pay the bill for the fence at tonight's meeting.

General Fund:

\$ 193.00	from A-1110.4 (Justices – Contractual Expense)
\$ 386.00	from A-1410.4 (Town Clerk – Contractual Expense)
\$ 112.00	from A-8020.4 (Planning Board – Contractual Expense)
\$ 14,655.00	from A-003917 (Appropriated Fund Balance)
\$ 193.00	to A-1110.2 (Justices – Equipment)

\$ 386.00 to A-1410.2 (Town Clerk – Equipment)
\$ 112.00 to A-8020.2 (Planning Board – Equipment)
\$ 14,655.00 to A-7140.41 (Playgrounds & Rec - Fence)

A motion was made by Supervisor Houghtling to approve the above noted budget amendment #5 of 2022 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

AUDIT OF BILLS:

2022 Bills:

General Nos. 190 through 243, in the amount of \$117,345.59;
Highway Nos. 57 through 72, in the amount of \$118,653.70; and
Escrows Nos. 7 through 8 in the amount of \$820.67;
As listed on Abstract No. 6 dated June 14, 2022.

A motion was made by Supervisor Houghtling to pay the bills. 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

COMMITTEE/LIAISON REPORTS:

Assessor (Councilmember Gordon):

Councilmember Gordon reported the following from the Assessor:

My report:

- 1. Grievance day was held May 25th with only a couple of filings.*
- 2. The BAR (Board of assessment review) held deliberations and reported back to Assessor.*
- 3. Assessor made changes needed.*
- 4. Assessor receive multiple reports of determinations from the State concerning STAR eligibility and Assessors must then make changes on their files. Sometimes these reports have the Assessor changing the same parcel multiple times with a different eligibility. ie; taking the exemptions on/off several times or even yearly.*
- 5. Assessment Roll is now Finalized and the file has been sent to the County for printing.*

6. A Legal notice will be sent to the paper for publication. The Roll will become final and public on July 1st.

7. The Assessor has been working with the REVAL contractor on land valuation and has started with various reports and information being sent back and forth. We are ahead and hope to stay that way.

8. Data mailers with parcel inventory have come back with changes. The files have been updated with a few more to go.

9. There may be some legislative changes to report next month.

Thank you,

Kimberly Smith, Assessor

Building Department (Councilmember Buckenroth):

Councilmember Buckenroth stated no report this month.

Business & Economic Development (Councilmember Gordon):

Monte Wasch, reported the following:

The BEDC's next meeting will be on July 11th because of the July 4th holiday. It will be held at Town Hall.

The Outreach and Marketing sub-committee continues to work on website page design and content. The brochure will be ready for publication on schedule, and the business map is going through final edits.

The special Infrastructure group will collect letters of support and interest from the business and property owners in the Town center for a feasibility study on wastewater systems.

The Columbia County Economic Development Corporation has awarded us the services of economic development consultant Brian Zweig to assist our Strategic Marketing sub-committee in developing a plan to target new business opportunities for the Town. An initial meeting with Mr. Zweig is scheduled for June 24th.

—

Monte Wasch Chair, New Lebanon Business/Economic Development Committee

Supervisor Houghtling, reported the following:

They created a tourism brochure, thanks to Sharon Powers and Erminia Rasmussen, it is gorgeous. It will be arriving any day now, it has already arrived at Berkshire Brochures whom they have contracted with to get it across six different regions; Berkshires, Capital Region, and Columbia County at all of their cultural locations. Sharon Powers has created a new website page, VisitNewLebanon.com and it will feature events that local businesses are having, things happening in the town, etc. Supervisor Houghtling stated that the Town is very limited with the use of the Town website on how we can use it to promote private industry and businesses. Because they have budgeted through a Publicity and Marketing

line through the BEDC, this page on the website because it is a separate page although linked into the Town website will be able to promote and advertise for our businesses.

Thank you to Sharon Powers who has volunteered her professional services to the Town!

CAC & Environmental Management & Climate Smart Task Force

(Councilmember Gordon):

David Farren, CAC member reported the following:

We would like to thank the Town Board for approving the Warm Spring as the first identified Critical Environmental Area in New Lebanon at last month's meeting. We look forward to tonight's action to similarly identify Cool Ravines throughout town.

Supervisor Houghtling read the following email report **on behalf of Steve Powers, CSC Chair** who could not make tonight's meeting:

The CSC and Mary Young have been tasked with scoping out locations for bike racks in town based on the latest Comp Plan tasks. Our bike rack subcommittee has identified four locations including Shatford Park at the baseball field, as well as the Pavilion Town Hall and the Midtown Mall. Other locations are pending owner permission. We are requesting that the Town Board approve \$1264 for the purchase of four steel bike racks that will hold 5 bikes on each side. The price includes the brackets and shipping. Since we were assigned this task after our 2022 budget was approved, it was not included and thus would have to come out of the general fund.

Supervisor Houghtling stated before moving on, Steve did get the quotes that he needed but because this is not an emergent situation, they should get approval from the board and prepare it for next months budget amendment, get it in the budget amendment and then approve the purchase. She stated that this is one of the things the Comp Plan said they should be doing, she knows the Master Park Plan also speaks to bike racks in the park, they can take the money from contingency in the budget. The board agreed.

We are waiting for the results of the energy audit of town hall and hopefully will be able to present them by the next meeting.

Our Heat Pump campaign continues and we hope to have the minimum 5 subscribers by next month which will entitle the town to a \$5000 grant.

The Community Solar campaign has slowed down at the county level due to their capacity being filled. I reached out to Ampion and they will have a project starting on Dec 01 so we will try and promote that as long as residents understand the delay.

Electronics recycling Day is scheduled for June 25 as a drive through at Shatford Park 9am to 3pm. No TVs will be accepted but they will in Sept for Clean Up Day.

CSC members are collecting coffee grinds at local restaurants and Stewards to the tune of 50lbs/week. They have been taken to the compost pile at the community garden but since it is filling up, Cathy Wilkerson has been taking them to the Chatham Solid Waste Center where the county is operating a food scraps recovery program and composting the contributions. We are considering a more extensive program in New Lebanon as well.

The battery recycling program has taken in about 450 lbs of batteries that will not be in landfills.

We are back at the outdoor Farmer's Market every Sunday giving out info on our activities and promoting the bike program and Free Store and encourage all to come down and visit.

Bruce Shenker, Environmental Management reported the following:

County climate smart will be applying for Bronze status in July, solar campaign has 125 enrollments.

County considering applying for a grant for a fast-charging station

Town of Ghent CSC applying for a grant for shovel ready plan to connect Harlem Valley Rail trail from Hillsdale to Ghent and Chatham

Stuyvesant Town Supervisor Ron Knott, Head of the Public Works Committee on the Board of Supervisors, toured the biogester run by Greene County. Greene County is composting and producing high quality compost

There is a small biodigester run by the Basilica and Kites Nest located near the Hudson Brewery.

New EMC member Paul Greene from Village of Kinderhook has written a book about biodigesters so will be a useful resource as county looks into this

Locally Shaker Swamp Conservancy has received one proposal and expects one more for a feasibility study for a trail into the swamp, we will be considering proposals and hope to have something in place by the end of the month.

June 29 at 7 PM Webinar on composting <https://www.eventbrite.com/e/composting-an-ecological-perspective-tickets-344357802457>

Climate Carnival July 16 10-4 at Columbia County fairgrounds includes: Repair Café, • Free Store, • Compost Compound, • Bike Recycling, • Sustainable Farming, • Electric Cars, • Food and Entertainment, • Live animal exhibit for children & • Heat pumps

Fire, Law Enforcement & Emergency (Councilmember Trainor):

Councilmember Trainor reported that at the last LVPA, Ed Godfroy suggested that they do away with the contingency account.

Ed Godfroy, LVPA reported that the LVPA would like the Town Board to look into abolishing the part of the contract that has to do with the Contingency account that was established in 2019. Due to the restrictions on it, the LVPA will never be able to use it. As soon as they use \$1, they have to pay \$1 back. They are requesting at budget time to abolish this and let the LVPA take the \$30,000 and the \$254 in accumulated interest in four years and put the money directly into their building fund.

Supervisor Houghtling stated to clarify, there is \$30,000 in taxpayer money sitting in an account in the custody of the LVPA but the contract is written in a way that they can't use it. This would be going into next years contract that the board would make this consideration and amend the 2023 contract that they are abolishing that account and the money goes into their building capital for their new building.

Ed Godfroy, LVPA reported that they are asking the Town Board to waive any Town permit fees for the new building project and the repair of the legion hall.

A motion was made by Supervisor Houghtling to waive any town fees through our Building Department that come up for any of the processes for the building of the new firehouse. 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

Ed Godfroy, LVPA stated that the next thing will be for the Town Board and the LVPA to start moving ahead with the Community Resource Project, turning the New Lebanon Station into a community building once the new building is up and they have moved out, they should start that conversation now to know what needs to be budgeted for, what it might look like and the time lines. He stated that the State Police still haven't decided if they are coming, it depends on their building project.

Supervisor Houghtling replied that she thinks Ed is right, the town should have an MOU in place. She stated that in her opinion this is the perfect opportunity for a PILOT and the ARPA survey polled very well on a community center. She suggested that they could do a two- or three-year trial run and that gives the Town a chance to see if it is being used, etc. She also stated that after the trail period that the Town would have right of first refusal if the LVPA decides after the two or three years they want to sell it.

The Town Board agreed to hold a Special Meeting to meet with the LVPA Board to start these discussions. They will get available dates between both boards and then schedule a Special Meeting.

Ed Godfroy mentioned the use of the Town's bulk mailing stamp for an LVPA mailer, he has not heard back from NORTHCO regarding them doing the printing of the mailer.

Town Clerk Robertson will follow-up with NORTHCO and get that taken care of.

Highway (Superintendent Winestock & Councilmember Trainor):

Councilmember Trainor reported that we have already heard from Highway Superintendent Winestock tonight and he is available to meet with him anytime that works for them both.

Historian & LVHS: (Councilmember Trainor):

Historian:

Councilmember Trainor read the following from the Historian:

Met with Glenn Fisher

Zoom meeting with Columbia County Historians. Discussed teaching local history in classrooms, America 250, and the new website. historian@columbiacountyny.com. I have been adding historic sites in New Lebanon and will be adding more.

Attended a webinar on teaching NY history.

Prepared vouchers.

LVHS:

Councilmember Trainor reported that the Historian was at the last LVHS meeting and the main discussion at that meeting was a letter that Jeannine Tonetti had sent to the Town Board regarding their concern about preserving old buildings. John stated there is a lot of excitement on Darrow Road, Chairfactory Road at the Abode of The Message, people may have heard some properties have been purchased. The Abode is supposed to be listed if not already purchased. They are old Shaker buildings and the historical value of a lot of these buildings is appreciated by many and part of the LVHS mission to preserve the buildings.

Justice Court/Constable (Councilmember Anthonisen):

Councilmember Anthonisen stated no report at this time.

Library (Councilmember Buckenroth):

Councilmember Buckenroth stated no report at this time, but encourages all to go and visit the library.

Buildings, Parks & Recreation (Councilmember Buckenroth):

Councilmember Buckenroth reported the following:

June 2022

- *Fencing done - big thanks to Berkshire Fence*
- *Fruit Tree Pruning and Feeding and maple trees planted by Zema's - Thank you to Zema's Nursery*
- *New swings are installed and look great*
- *Seesaw seats ordered*
- *Mulch from Jeff Kruetziger - spread by Donnie, Kristyn, Austin, and Jeff - Thank you!*
- *Budgeted Park Items (not yet completed):*
 - *Picnic Table - Donnie says we need 1, Order pending*

Seniors (Councilmember Gordon):

Mary Young reported the following:

Meetings will now be held every other month on the third Wednesday at the Fire Training Center. All programing has been restarted. Watch emails and web site for dates of activities as they get scheduled for the summer. Ever Home program is continuing to grow and has contacted the families and others from New Lebanon. Updated materials are with the Town Clerk, available for the Town.

Volunteers (Councilmember Anthonisen):

Councilmember Anthonisen reported that she is working on a volunteer "Thank you" brunch to be held on a pending date of July 23, 2022 at Shatford park.

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

Comparison Committee (Councilmember Anthonisen & Supervisor Houghtling):

Supervisor Houghtling reported that the Building Department is very busy so they are waiting for them to set up meetings with other towns. She is suggesting that her and Councilmember Anthonisen get started on the Town Clerk/Supervisor town by town comparisons because they would like that completed in time for budget season.

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

Supervisor Houghtling reported they have been having great meetings, they are meeting in person for the July meeting and Sharon McArdle, a local realtor for years is going to join their meeting to discuss some of the things that she has seen as to why young families are not relocating to New Lebanon. Her preliminary conversation revealed the town not having things for young people to do. She commented that the skatepark is a step in the right direction for attracting younger

families. They met with the Canaan Town Supervisor, Brenda Adams to discuss housing and they might try to work together on housing ideas with her.

Comprehensive Plan Action Item Update (Supervisor Houghtling):

Supervisor Houghtling reported that Norman Rasmussen does update the task list and keeps it up to date. We have four tasks that are 100% complete and the other task are on schedule to be completed by the deadline that was designated in the Comprehensive Plan.

County Update (Supervisor Houghtling):

Supervisor Houghtling reported not much to update at this time.

HONOR & PRESENTATION:

Supervisor Houghtling announced that we have three New Lebanon Jr/Sr High School students here to be recognized that have achieved the prestigious level of Eagle Scout, scouting's highest honor in the Boy Scouts. She presented Benjamin Chaput, Forest Chaput and Patrick Root with certificates acknowledging this amazing accomplishment.

OLD BUSINESS:

Introductory LL#2 of 2022:

Supervisor Houghtling stated that we held the Public Hearing tonight, they did Part 1 of SEQRA at the last meeting. She reviewed Part 2 of the SEQRA, every question is no or small impact may occur. Part 3 is determining that there will be no significant adverse environmental impacts.

A motion was made by Supervisor Houghtling to adopt Part 2 of the Short Environmental Assessment Form in connection with the process to adopt Introductory Local Law No. 2 of 2022, as prepared by the Attorney for the Town. 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

A motion was made by Supervisor Houghtling to adopt a negative declaration under SEQRA in connection with the process to adopt Introductory Local Law No. 2 of 2022, in

the form of Part 3 of the Short Environmental Assessment Form, as prepared by the Attorney for the Town. 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

A motion was made by Councilmember Trainor to enact Introductory Local Law No. 2 of 2022 as Local Law No. 2 of 2022, to authorize and direct the Town Clerk and Town Supervisor to transmit Local Law No. 2 of 2022 to the New York State Secretary of State for filing in accordance with the Municipal Home Rule Law, and to authorize and direct the Town Supervisor to make such other and further filings and applications, in consultation with the Attorney for the Town, as may be necessary or advisable to give force and effect to the adoption of Local Law No. 2 of 2022. The motion was seconded by Councilmember Anthonisen.

(See Page 17 for Roll Call Vote that took place after discussion)

Discussion After Motion Made & Before Vote:

Councilmember Gordon asked if they get to have discussion?

Councilmember Buckenroth asked if this is the Stretch one?

Supervisor Houghtling responded yes and that this is the NY Stretch Code. She reminded the Town Board, originally when this presented by the CSC both Supervisor Houghtling and the CEO were opposed to it because it imposes regulations on private homeowners. She stated that Jeff Hatatt, CEO then took a training where he learned that this is going to be required by New York State on January 1st, 2023 and if the town enacts it tonight the town will get a \$10,000, she thinks, NYSERDA incentive. Jeff Hatatt, CEO came to her and told her that we are going to have to do this anyway, we will not have a choice, it is being required by NY State. If we do this six months ahead of when we will be forced to do it, we get this monetary incentive, which he then recommended doing it before the June deadline.

Councilmember Gordon stated that she thought she remembered all of that. She mentioned that Tony Murad, ZBA Chair and ZRC Member spoke earlier and although she agrees with what he said about how these regulations pile up to the point where building becomes unaffordable, if it is inevitable, why do they go through the exercise.

Councilmember Trainor stated that he agreed with Councilmember Gordon and commented that Tony Murad was very persuasive and he thinks that given the fact that one of the polling questions was affordable housing, he thinks he made some good points but again since the state is going to make them do it.

Councilmember Buckenroth asked Tony Murad what makes him think that this is not going to happen?

Tony Murad, ZBC Chair and ZRC Member responded that they are hearing from one person that someone said that this will become law. He stated that they said the same thing in Massachusetts ten years ago. He stated that there are plenty of towns that don't do the Stretch Code. He commented to let the state do it, if they want to sell themselves for \$10,000, well okay and he's not against taking money but there is just something unsavory about it.

Councilmember Buckenroth asked when the deadline was?

Supervisor Houghtling responded that it is before their next meeting, it would have to get adopted tonight to get the incentive.

Tony Murad commented that if he was on the board, he'd want somebody in authority at the Department of State to say they are definitely passing this Stretch Code. He hasn't heard that. He stated that he doesn't want to be the cause of the town losing \$10,000 but he thinks that it is a terrible imposition on people who are struggling to get into their first home, where every dollar counts and there is a limit of what they can spend on a house and now they have to spend another \$20,000 doing energy upgrades.

Supervisor Houghtling responded that she hears Tony and she was initially opposed to this, although she also believes that climate change is real and we have to take every step that we can. She stated that when she thinks of New Lebanon and she thinks of people who are building brand new...

Tony Murad interjected that's not true, building code requires any project that is going to involve 50% or more of the existing projects value, they will have to comply with the building code completely.

Supervisor Houghtling continued, so a large renovation. She stated that when she thinks of people who are doing that type of work, is the amount that the Stretch Code is going to adjust the cost of building going to prevent them from being able to do that work.

Tony Murad responded it's going to cost more to do that work and if you have a limited budget with which to do the work, that means you have less to spend on other things that might actually be more important to you, like having more space. He stated that he is all

for saving energy, but the cost of this Stretch Code is not going to save the energy dollars that the people will have to pay the cost of it are going to save, it will take you twenty years to be made whole on whatever energy improvements you make. He stated he used to be able to get windows for \$300, today he is spending \$1,200 for a window due to an energy upgrade. That is just one part. He stated that if it is important to the Town Board to take this \$10,000, the real laugh will be if they don't upgrade the code.

More discussion took place.

The Town Board was waiting for Michael DeWein to participate in this discussion. He will be participating online and while they waited, they proceeded with the agenda.

Introductory LL#3 of 2022:

Supervisor Houghtling stated that this law is subject to mandatory referendum, so the motion on this is different. Normally the motion is to enact Introductory Local Law #3 as Local Law #3 but we could pass four more Local Laws between now and November. She stated, if the public passes this at the November election, it will become whatever Local law number that is next in order of Local Laws that have been adopted.

A motion was made by Supervisor Houghtling to enact Introductory Local Law No. 3 of 2022, subject to mandatory referendum. 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

Master Park Plan Draft:

Councilmember Buckenroth stated that the draft is available on the Master Park Plan website, there is a link to it on the Town website. She stated that the summary results were really interesting, she briefly touched on some of those results. One of the things that Barton & Loguidice thought was great was that we had 240 responses. She thinks that the most relative thing that she'd like to point out now shows the age of the respondents and Barton & Loguidice has never seen so many young adults participate in the survey. The top ten polling amenities for the future are walking paths, water play area, playground with inclusive equipment, skate park, drinking fountains, fitness loop, ice skating rink, creek access, picnic areas and dog park. There will also be a Special Meeting on June 22nd, 2022 at 6:30pm, it is online only.

Supervisor Houghtling added that full Town Board participation is recommended because this will be the only presentation of the draft before they get the final document because in the contract, they asked them to reduce their price from the initial cost. They didn't budget for coming out in person to present to the Town Board. They will come out when they get to the next phase, which is grant application.

Main Street Revitalization:

Supervisor Houghtling stated that they had a community member come and talk about revitalizing Main Street. It was one of the things on the ARPA survey that polled well. The question was how do they do that? Supervisor Houghtling met with LaBerge to see what kind of grants are available for revitalizing our downtown. They came up with a NY Main Street Grant, it is a two-phase grant. Phase one is creating a design plan of what we want our downtown to look like and Phase two is giving funding directly to local businesses at a 75% match. They would pay 25%, the grant would cover 75% and it could cover anything external from siding, windows, roofing, landscaping, signage and parking lots. The deadline is July 29th, 2022, the cost for the grant application is \$3,500 that the town would pay.

Supervisor Houghtling and Sharon Powers went on the grant website and it talked about qualifications that sounded like the town didn't meet. Supervisor Houghtling called and spoke to LaBerge and discussed this with them. LaBerge spoke to the State and they realized the grant was really only written for urban revitalization and that many rural towns don't have blocks, and other things written in the qualifications but still need assistance and beatification. LaBerge received verbal notice from the State that those qualifications had changed and that New Lebanon would be eligible. Before moving forward on paying \$3,500 to apply for it, Supervisor Houghtling wants that in writing from the State. Supervisor Houghtling, LaBerge and the State are going to meet, they are going to discuss applying for this cycle, July 29th cycle for the Phase one and get some commitment from the State in writing that the qualifications have changed and once they have that guarantee, she is hoping at the July meeting, the Town Board will approve the \$3,500 for the Phase one grant application. She stated that they feel they can still get it in in time for the July 29th deadline but they are looking for a soft commitment from the Town because if they get that commitment from the State in writing next week, they will start working on the grant application without the Town Board having officially authorized them to do so and having officially authorized the payment for them to do that.

Supervisor Houghtling stated that there is a community member that went and polled all of the local businesses and it was 100% yes. The only nos were buildings for sale. She stated that Phase one is to get the buy-in of the businesses.

Supervisor Houghtling stated that assuming that they get a statement from the State that we do qualify, she asked the Town Board members if anyone is opposed to spending \$3,500 to apply for this grant. She stated that it did poll well on the ARPA Survey, so they could use \$3,500 out of the ARPA funds. The Town Board all agreed that they are fine with it.

Continued Discussion on Intro LL#2 of 2022 After Motion Made & Before Vote:

Michael DeWein joined the meeting. He stated that the NY Stretch Code works just like the base statewide energy code. If you are doing renovation work, only the new work that you are doing has to comply with that code. He stated that based on his experience the additional cost to comply with the NY Stretch Code is not that significant and over time you will get paid back in lower energy costs.

Supervisor Houghtling summarized, on new construction his estimate is when following NY Stretch vs not following NY Stretch but still following current NY guidelines, the average cost increase to a new construction on a single-family home is about \$2,100. On renovations, whatever part is being renovated that might be applicable to NY Stretch, it is the difference between NY guidelines and the NY Stretch, it is a minimal cost increase.

Michael DeWein responded that Supervisor Houghtling is correct. He has spoken to Jeff Hatatt, CEO and it does cost more but there are long term benefits, it doesn't pay back in two or three years. He stated that there is definitely a cost benefit for doing it. He stated that the actual incentive that the town gets for adopting the NY Stretch is \$5,000 and 1,200 points in the town's Clean Energy Communities Program competitive bid for other incentives which can add up to a minimum another \$30,000 for getting those 1,200 points for adopting the NY Stretch. He stated that he is not the best person to speak to the Clean Energy Communities benefits. The greatest benefit is the near-term benefit to the building owner or tenant or the building homeowner.

Councilmember Buckenroth stated that her only question is, is there evidence that this is going to actually happen and become a law? Everything that she is finding states that it is voluntary. She stated that she is for being a more energy efficient community, she doesn't like that it comes with a cost of increased building expenses.

Supervisor Houghtling stated that Jeff Hatatt, CEO was on a NYSERDA training and NYSERDA claimed that NY State is going to require this and if the Town does it before this June deadline, we get the points for the CSC program and the grant incentive of \$5,000. Is there confirmation anywhere that this requirement by the state is absolutely moving forward?

Michael DeWein replied that the state is not requiring the NY Stretch, what it is requiring in the next code change which is in process is the adoption of the next version of the international energy code along with all of the other building codes that will be adopted. They are all in the process of review now. That is the 2021 versions of the international code. He stated that those international codes, including the energy code is more stringent as the NY Stretch. It is not the exact same code, actually the NY Stretch is a bit easier to comply with.

Supervisor Houghtling stated that what Jeff Hatatt, CEO was saying is that we are not required to adopt NY Stretch but there is going to be a new international code coming out that is more stringent than NY Stretch that is going to make even more requirements.

Tony Murad, ZBA Chair & ZRC Member stated that when the state passes a code amendment that is the code. He asked if Michael DeWein was suggesting that if the Town takes the Stretch energy code as the code that the more stringent, new international energy code will not apply to the town.

Supervisor Houghtling responded, no.

Tony Murad, ZBA Chair & ZRC Member stated no, you will have to comply with the new code.

Supervisor Houghtling responded that what she thinks is that if the Town Board is worried about the stringency of the NY Stretch, the new ICC Code is going to be even more stringent.

Tony Murad, ZBA Chair & ZRC Member stated that the town will still have to comply with the worse code, the NY Stretch code won't even matter.

Supervisor Houghtling responded except that the town will get 1,200 points and \$5,000 and now we will have an even more stringent code.

More discussion took place between the Town Board, Michael DeWein and Tony Murad, ZBA Chair & ZRC Member.

Roll Call Vote on Motion and Second made on Page 12:

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

Ethics Board Vacancy:

Supervisor Houghtling stated that we have a vacancy on the Ethics Board. We did receive one applicant and an email from the Chair of the Ethics Board requesting that the applicant be appointed.

A motion was made by Supervisor Houghtling, seconded by Councilmember Buckenroth and approved unanimously to appoint Rochelle DiRe for the vacancy on the Ethics Board to expire 12/31/2026.

Traffic Control Signs:

Mary Young, NL Rep to CC Traffic Safety gave the following report:

Traffic Safety:

No word yet from the committee on the development of transportation from New Lebanon to Hudson using a Social Service van, this idea is being brought to the attention of the Board of Supervisors.

Letters were submitted to the State for speed reductions on route 20 in West Lebanon by the elementary school and Rt 22 by Old Post Road. The State did repaint Rt 20 by the Elementary school to be no passing from the Old Ski Lodge complex to just past Rt 9 south in both directions.

Bridge work is happening on County Rt 9 south, and Rt 20 by Churchill Rd. The repaving of Rt 22 south is going well and is expected to be completed by the beginning of July weather dependent. Rt 20 on Lebanon Mountain and Rt 20 in West Lebanon have had the potholes filled in, making the drive easier.

The stop light at Rt 22 south and 295 will have a generator placed there for use if the power goes out.

Work continues with the Climate Smart committee on proposed bike racks and placement in Town.

The school had bicycle safety classes for the elementary school and the high school had a program about alcohol and driving just before Prom. I am planning to have some information about bicycle safety, walking safety and traffic safety at the Community Picnic in August.

Traffic Control signs: In your packets there are three proposals for traffic control signs. Review material

You are aware many towns are using them. Canaan most recently has gotten a lot of information from the one they borrowed from Chatham police department. Many of the towns after using these portable signs have placed permanent signs in certain places.

Mary Young Traffic Safety Rep.

Traffic Control Signs:

Mary Young provided the Town Board with three proposals for traffic control signs and gave the following summary:

TRAFFIC SPEED SIGN PROPOSALS

Attached are three proposals for traffic speed signs that can be placed in town to remind drivers of speeds.

Specifications:

On a trailer that is movable by car or pickup truck

Solar powered 100% of the time

18" sign or larger

Flashing mechanism that flashes the speed of the vehicle when the vehicle is greater than the posted speed

Flash "SLOW DOWN " if going faster than posted speed

Warranty

Computer data entry and collection of data

Training and Tech support

All three of these signs meet these criteria and some have more.

1st Sourcewell Salesman Mark Gregory Spring Valley New York

EV18 Solar with Universal Mount on a trailer \$7144, ID 144085 2 yr warranty, free tech support and software upgrades, Bluetooth compatible, has Cloud Access for data This company has a special purchasing program which we may be able to access as a Sourcewell Active Member. If you choose this company, then Mark will investigate.

2 Traffic Safety Warehouse Rudy Picchiatti Saleman Deerfield, Ill.

Sa-So 18" Solar Radar Feedback Trailer Sign with 100 Watt Solar Panel Data and Bluetooth compatible with a Speed Limit Sign \$10827.98 ID # 106072 2yr. warranty for sign, 1 yr for trailer, Programable software, Solar panels need to be facing south for best performance.

#3 All Traffic Solutions Saleman: Julie Styskin State College PA

Speed Alert 18 radar Message sign with Trailer \$ 11,923.00 3yr warranty, Free Training, Bluetooth compatible , Cloud capable for data collection, made in USA. See video included with sales package on inserted paperwork

This is the company that the signs from Chatham PD, Pittsfield PD and Nassau have purchased from. This sign is smaller than what Chatham has, and I included the paperwork for the sign Chatham has so you can compare.

Supervisor Houghtling reminded the Town Board that they budgeted \$6,000 for two signs, not realizing that the quote she was looking at was not really what they were looking for. Mary Young looked into it for her and she requested the \$6,000 to go into the budget two years ago and because of COVID, the Town Board didn't want to put anything in the budget that wasn't really required. She stated that since she has been Supervisor and prior, she hears speeding complaints on a consistent basis on many of our town roads; Cemetery

Road, Shaker Road, West Street, etc. She stated that they borrowed a sign on a trailer from Chatham that didn't even work, put it on West Street and even with it not working the residents on West Street reported that traffic had slowed down since the sign was put there. She feels like this sign can really make a difference. Looking at the \$7,144 cost that is a bit higher than the budgeted amount, she thinks this will give the board an idea if this will work and if it does, they can then budget for another sign in next year's budget.

Mary Young reported that the \$7,144 sign would do everything that the town was looking for it to do.

The Town Board held discussion and agreed that the quote from Sourcewell for the \$7,144 sign is the way to go. Supervisor Houghtling stated that if the board is in favor, they won't approve this tonight, she will prepare the budget amendment to be approved for the next meeting. This will also give them time to see if there is better pricing because the town is a Sourcewell participant. The board agreed to move forward and Mary Young will get a Sourcewell quote.

Complete Streets Resolutions:

Supervisor Houghtling stated this was another Comprehensive Plan item for the Town Board to look into. Mary Young, NL Rep to CC Traffic Safety did the research and looked into it and presented it to the Town Board at the May meeting and the board agreed it was a great idea and to do it. This resolution is not the plan, it is stating that the Town will adopt a plan in the next five years.

TOWN OF NEW LEBANON

RESOLUTION #20, 2022

COMPLETE STREETS POLICY

JUNE 14, 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 14th day of June 2022, the following Resolution was proposed and seconded:

Resolution by Supervisor Houghtling

Seconded by Councilmember Trainor

COMPLETE STREETS POLICY

WHEREAS, the Town of New Lebanon wishes to ensure that all users of our transportation system are able to travel safely and conveniently on all streets and roadways within the public right-of-way in the Town of New Lebanon; and

WHEREAS, the purpose of a Complete Streets Policy is to empower and direct citizens, elected officials, government agencies, planners, engineers and architects to use an interdisciplinary approach, when possible, to incorporate the needs of all users – including bicyclist and pedestrians of all ages and abilities - into the design and construction of roadway projects within the Town of New Lebanon; and

WHEREAS, the Town of New Lebanon recognizes that this Complete Streets Policy also includes the incorporation of this community’s values and, as such, will be mindful of its environmental, scenic, aesthetic, historic and natural resources in any such design and planning; and

WHEREAS, Complete Streets design features and practices include, but are not limited to: sidewalks, proper street lighting, signage, crosswalk & crosswalk devices, highway improvements, walking & biking trails and parking areas in order to promote the health and safety of users; and

WHEREAS, the Town of New Lebanon recognizes that Complete Streets will increase the enhancement of pedestrian, bicycle and trail connections within our community and will help to assure safe travel by all users including motorists, cyclists, pedestrians, and people of all ages and abilities, including children, youth, families, older adults and individuals with disabilities.

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of New Lebanon, that the Town of New Lebanon will attempt to draw upon all possible funding sources to plan and implement Complete Streets elements to make implementation economically feasible; and

BE IT FURTHER RESOLVED, that the Town of New Lebanon is formally initiating the process of creating a more detailed complete streets implementation plan, with the plan to be completed within 5 years of the date of the adoption of this resolution; and

BE IT FURTHER RESOLVED, that the Town of New Lebanon will take into consideration the incorporation of Complete Streets design features and practices in the planning, design, approval and implementation processes for the construction, reconstruction, retrofit, maintenance, alteration or repair of its transportation network whenever feasible.

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: June 14, 2022

Marcie Robertson, New Lebanon Town Clerk

CEA Designation – Cool Ravines:

Supervisor Houghtling stated this was tabled last month in order to get consent from a property owner. That property owner never consented or opposed.

TOWN OF NEW LEBANON

RESOLUTION #21, 2022

ADOPTING A NEGATIVE DECLARATION AND DESIGNATING

THE COOL RAVINES CRITICAL ENVIRONMENTAL AREA

JUNE 14, 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 14th day of June, 2022, the following Resolution was proposed and seconded:

Resolution by Supervisor Houghtling

Seconded by Councilmember Anthonisen

RESOLUTION ADOPTING A NEGATIVE DECLARATION AND DESIGNATING THE COOL RAVINES CRITICAL ENVIRONMENTAL AREA

WHEREAS, the New Lebanon Comprehensive Plan (“the Plan”) identifies the protection of natural resources as a high priority for the people of New Lebanon (§IV.A); and 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” (§III.B, p. 5); and

WHEREAS, the Plan includes among its goals that “important natural resources that occur throughout New Lebanon will be responsibly and sensibly managed and...the Town will work to protect its environment and safeguard it for current and future generations” (§IV.A); and

WHEREAS, a cool ravine is a regionally rare habitat where steep, rocky ravine walls flanking a stream create an unusually shady, cool, moist microclimate that often supports plants of more northern affinities or higher elevations and offers a cool refuge for wildlife and plants stressed by the advance of global warming; and

WHEREAS, disturbance of the adjacent forest, the tree canopy, the ravine walls, or the stream can degrade the special habitat conditions of cool ravines; 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 New Lebanon Natural Resources Conservation Plan (included by reference in the Comprehensive Plan) calls for the establishment of Critical Environmental Areas to draw attention to areas of special concern for water resources, biodiversity, and other features of importance to the town; and

WHEREAS, the Town Board is currently considering designating a Critical Environmental Area that encompasses four cool ravines and narrow buffer zones 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 Cool Ravines 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 Cool Ravines 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 Cool Ravines Critical Environmental Area on May 10, 2022, at 6:50 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 Cool Ravines 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 Cool Ravines Critical Environmental Area on May 10, 2022, commencing at 6:50 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 Cool Ravines 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 Cool Ravines 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 Cool Ravines 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 Cool Ravines 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; and an inherent ecological, geological, or hydrological sensitivity to change that may be adversely affected by any change, for the following reasons:

A “cool ravine” is a narrow ravine with steep, high, rocky walls flanking a rocky stream. The ravine walls are commonly forested with a mixture of hardwoods and conifers, usually including eastern hemlock. The steep ravine walls and conifer canopy create an unusually shady, cool, moist microclimate that often supports plants of more northern affinities or higher elevations, and a cool haven for other plants and animals. The four ravines of the proposed critical environmental area (the “CEA”) are along tributaries or sub-tributaries to Wyomanock and Kinderhook creeks. The CEA boundaries are drawn generally at 200 feet beyond the rim of each ravine to encompass the area most important to maintaining the habitat conditions of the ravine. Ravines are a common occurrence in New Lebanon and the region in general, but the special habitat known as a “cool ravine” is rare. These places where air temperatures are markedly cooler than those of the surrounding landscape provide habitat for unusual plants and animals, and may offer

critical refuge for wildlife and plants stressed by the advance of global warming. In this region, cool ravines often have plants such as mountain maple, fly honeysuckle, hobblebush, American yew, and red-berried elder. Mosses, liverworts, and ferns are often abundant on the moist rocky walls. Because the steepness and rockiness of the ravine walls may have protected some ravines from past logging, some may retain older trees than are found in adjacent forests on gentler slopes. Northern slimy salamander and small-footed bat may use talus (loose rock) areas of the rocky ravine walls, and northern dusky salamander and perhaps even the regionally rare spring salamander may use the streams and associated seeps of cool ravine habitats. Uncommon birds such as Blackburnian warbler, black-throated green warbler, and winter wren sometimes nest in the trees clinging to the steep walls and forested rims of cool ravines. Barred owl and saw whet owl may use the hemlocks for daytime roosts. These places are important contributors to regional biological diversity, providing cool, moist habitats for wildlife and plants requiring those conditions. They serve both as long-term habitats that anchor certain populations and as local temporary refuges that allow other organisms to withstand immediate stresses. All four streams that run through these ravines have been identified by the New York Natural Heritage Program as Areas of Known Importance for their sensitive cold-water stream habitats, and one is classified as a trout spawning stream by the New York State Department of Environmental Conservation. Cool stream temperatures in all these streams also help to maintain the cool water conditions of the Wyomanock and Kinderhook Creeks, both of which are classified as trout streams in their New Lebanon reaches. All of the ravines in the proposed CEA are embedded in forested areas of 200+ acres that serve to protect the ravine habitats, in addition to providing other important habitat themselves, and allowing safe movement of plants and animals between larger forest blocks—migrations that may be increasingly important for the persistence of populations in this era of a warming climate. Two ravines are within the Taconic Mountain Significant Biodiversity Area, an area recognized by NYSDEC for its large areas of contiguous, high-quality forests, its support of regionally rare and state-listed rare and uncommon plants and animals, and its importance as a water resource for wetlands, streams, and groundwater of the lowlands to the west.

3. Based on the foregoing and on all prior proceedings in this matter, the Town Board hereby designates the four cool ravines and adjoining buffer zones as shown on Exhibit A hereto as the Cool Ravines 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 Cool Ravines Critical Environmental Area, as set forth

in the Cool Ravines 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	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: June 14, 2022

Marcie Robertson, New Lebanon Town Clerk

New Splash Pad & Skatepark Slab – Bids Received:

Supervisor Houghtling stated that we didn’t receive any bids. She stated that Darcy Construction approached the Town on the day bids were due, stating they wanted to submit a bid but they were out of town and couldn’t get the bid in by the deadline.

A motion was made by Supervisor Houghtling, seconded by Councilmember Trainor and approved unanimously to go back out to bid on the Shatford Park Splash Pad Improvement Project with bids due on Friday, June 24th, 2022 by 1:00PM and to hold a Special Meeting on Friday, June 24th, 2022 at 2:00PM to consider bids received and to have Town Clerk Robertson submit to the paper.

Skatepark Slab Location & Committee

Supervisor Houghtling stated she asked Barton & Loguidice to give us three alternative locations for the Skatepark Slab that didn’t interfere with what they saw in the Master Park Plan. She stated that she is a fan of alternate 1 location, which is back to the property line on the back corner of the pavilion.

Councilmember Buckenroth wanted to point out that in a few years after the life of the skatepark is gone, this will become a multi-use concrete slab.

The Town Board held discussion on the potential location of the concrete slab. Supervisor Houghtling suggested that the Town Board wait for a final decision until after the June 22nd, 2022 Master Park Plan draft presentation by Barton & Loguidice. All agreed.

CSC Vacancy – Letter of Interest Received:

Supervisor Houghtling stated that we received a letter of interest and the CSC Chair asked the Town Board to appoint.

A motion was made by Supervisor Houghtling, seconded by Councilmember Gordon and approved unanimously to appoint Winfried Fuchshofen to the CSC.

Personnel Policy Update:

Supervisor Houghtling stated, we updated the Personnel Policy last month, unfortunately she wasn't working with the most recent version, so a change that had been made in October of 2021 did not make it to the newest updated version that was adopted last month.

Supervisor Houghtling noted the changes to be made in yellow for the Town Board; one was a typo; page 6 is adding back in the October 2021 addition to have the ability to donate your sick and personal time to another employee and page 2 is adding wording for the law that requires if you work more than six hours you have to take a thirty-minute unpaid lunch break.

**TOWN OF NEW LEBANON
RESOLUTION #22, 2022
PERSONNEL POLICIES
JUNE 14, 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 14th day of June 2022, the following Resolution was proposed and seconded:

Resolution by Supervisor Houghtling
Seconded by Councilmember Trainor

PERSONNEL POLICIES

[HISTORY: Adopted 12-13-2004; amended 2-14-2011, 9-13-2016, 11-13-2018, 1-1-2021, 2-9-2021, 10-12-2021, 5-10-2022 & 6-14-2022]

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. [Amended 6-14-2022]

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.

Lunches & Break times

- By law Town employees working more than 6 hours are required to take a minimum of a unpaid 30-minute and may take up to a one hour unpaid lunch. Employees working less than 6 hours a day are not required to take lunch.
- **EXCEPTIONS:** If there is only one person in an office and said office is open to the public, you may be required to be available during your lunch break, if so, you will be paid for the 30-minute lunch. In such instances, the Town will work with the employee to provide a minimum break of at least 20 minutes uninterrupted.
- Lunch break **MUST** be taken between the hours of 11am-2pm by law. Employees should work with their direct supervisor to establish a regular lunch schedule that addresses the operational needs of the department. Lunch breaks may not be taken at the start or the end of an employee shift.
- The Town also provides Employees with a 15-minute paid break for each 4 hours worked. This 15-minute break can be broken up into three 5 minutes breaks (i.e. personal phone calls, smoke breaks, etc.). Personal business should **NOT** exceed the 15-minute break throughout the 4 hour period.
- As the 15 minute break is paid, employees are expected to remain on town property during their breaks. If you are leaving Town property for non-work-related business, you must clock out and will **NOT** be paid for that break.

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, 11-13-2018 & 10-12-2021]**

(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.
- (4) Employees may determine to surrender available sick and personal leave hours in favor of another employee for their utilization. For an employee to be eligible to utilize donated sick leave from the sick bank, they must have exhausted all of their available accruals to date and the need for continued leave must be for a medical emergency for themselves or for an immediate family member defined as parent, child, spouse or domestic partner. Nothing contained in this policy requires any employee to donate to the sick bank. Donations shall be voluntary to be determined on a global basis or in response to a specific request of a co-worker. Donated sick and personal time shall be paid out at the lower rate.

E. Vacation leave: **[Amended 9-13-2016, 11-13-2018, 1-1-2021 & 5-10-2022]**

- (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 **June 14th, 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	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: June 14, 2022

Marcie Robertson, Town Clerk, Town of New Lebanon

ROA Review:

Supervisor Houghtling stated they have always approved the Retirement Resolution which has the results of the Records of Activities (ROA). She learned at training that anytime a new ROA is submitted, the Town Board is supposed to review the actual ROA to make sure the activities are in line with the individual's position with the Town.

There is one new ROA submitted by Councilmember Anthonisen, the Town Board looked it over and didn't see anything out of line.

ARPA Survey Results:

Supervisor Houghtling stated that they are scheduling a Special Meeting to discuss the spending of ARPA funds. Supervisor Houghtling stated that they also have an Unallocated Fund Balance that they need to reduce to 20% of the Town's operating budget going into 2023 and we also have a very high Sales Tax Revenue that is much higher than they budgeted for revenues that can't go into the Unallocated Fund Balance. The Special Meeting will be used to discuss all of these topics.

Councilmember Buckenroth gave a brief summary of the results from the ARPA Survey. She stated that they had 208 responses, this is different from the Master Park Plan's number of responses because you had to be a resident for the ARPA survey and anyone could take the Master Park Plan. If they received a survey without an address, they have the survey but it was not included in the results. The top five responses were: support local businesses, monitor water, health and wellness, community center and the Rail Trail.

The Town Board will be holding a Special Meeting to get into deeper discussion on what these top items will look like.

Supervisor Houghtling added that there were eight questions that polled over 50% rating at a four or a five. For the purposes of these bar charts, a 4 or a 5 was a yes, a 3 was a maybe and a 1 or a 2 was a no.

The Town Board held discussion on the ARPA Survey results.

A motion was made by Supervisor Houghtling, seconded by Councilmember Buckenroth and approved unanimously to schedule a Special Meeting to discuss ARPA funds, unallocated fund balance and excess sales tax revenue for July 26th, 2022 at 6:00pm.

NEW BUSINESS:

Historic Railroad Station:

Supervisor Houghtling stated the Corkscrew Rail Trail has obtained the property that was moving towards foreclosure that has the historic depot train station on it. The town and

the LVHS have been interested in this property for some time but never had luck contacting the owner. The rail trail is interested in the walking trail but wants the depot station to be useful to the community in some way.

The rail trail did have to put \$6,000 down on the back taxes. The county makes the town whole when a property has unpaid taxes, the town doesn't take that hit. The town depends on all of their taxes to pay for our budget. The county comes in and pays those taxes to the town. The back taxes owed on this property should get back to Columbia County. However, over a foreclosure period of many years, there is a lot of interest, penalties and fees. Supervisor Houghtling spoke to the county attorney to see if there was any way the county can only ask to be made whole. The attorney recommended that the Town Board pass a resolution requesting that the county forgive the penalties and interest.

TOWN OF NEW LEBANON

RESOLUTION #23, 2022

REQUEST TO COLUMBIA COUNTY TO FORGIVE INTEREST & PENALTIES

JUNE 14, 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 14th day of June 2022, the following Resolution was proposed and seconded:

Resolution by Supervisor Houghtling

Seconded by Councilmember Anthonisen

REQUEST TO COLUMBIA COUNTY TO FORGIVE INTEREST & PENALTIES

WHEREAS, there is a historic train depot in New Lebanon on the property with tax map ID# 19.2.-1-71 that has back taxes due to the County of Columbia; and

WHEREAS, the property was going to go into foreclosure due to the back taxes; and

WHEREAS, the Corkscrew Rail Trail, a local 501C3, obtained the property with the train depot on it on May 23 of 2022 with the intention of preserving the train depot and expanding their ownership of the rail trail and set up a payment plan with Columbia County to cover the back taxes which includes a large amount of penalties and fees to prevent the property from going into foreclosure; and

WHEREAS, the Town of New Lebanon has a vested interest in preserving the train depot; and

WHEREAS, the Town of New Lebanon's comprehensive plan updated in December of 2021 talks about historic preservation, recreational resources and the preservation of our natural resources; and

WHEREAS, the Corkscrew Rail Trail and the Town of New Lebanon will work together to update the train depot to usable condition at which point it will be utilized by the Town for tourism, recreation and displaying the history of the train depot; and

WHEREAS, the Corkscrew Rail Trail is a 501C3 with very limited funds and preserving the train depot is of the utmost importance to the Town; and

WHEREAS, the County of Columbia has made the Town of New Lebanon whole on the sum total of back taxes for tax map ID# 19.2.-1-71.

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of New Lebanon, that the Town of New Lebanon requests that the County of Columbia forgive the entire amount due that is made up of penalties and fees for tax map ID#19.2-1-71 and only collect the actual back taxes from the Corkscrew Rail Trail to make the County whole again for the monies given to the Town throughout the years on these back taxes.

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: June 14, 2022

Marcie Robertson, New Lebanon Town Clerk

Supervisor Houghtling stated that at no charge to the Town, they spoke to LaBerge and Barton & Loguidice about possible grant funding and they suggested we create a plan for the depot and usage and document it all. The property is not currently on the historic registry. Once it is on the registry you are eligible for historic renovation grants but that also comes with a project cost that is significantly higher.

Supervisor Houghtling stated that they think if this could serve some benefit to the town, that we create a committee that is open to the public.

Further discussion took place between the Town Board members, Joe Ogilvie and others in attendance.

A motion was made by Supervisor Houghtling, seconded by Councilmember Buckenroth and approved unanimously to go out for letters of interest for a working group for the Historic Railroad Depot Committee with letters of interest due by 4:00pm on Friday, July 8th, 2022 to the Town Clerk's office.

Walkable Downtown:

Supervisor Houghtling reported that they have obtained either signatures or phone consent from almost all of the property owners on the 20/22 corridor supporting the Town creating a walkable downtown. The survey said "I support the Town's efforts to create a walkable downtown, including things such as narrowing the highway, creating crosswalks and creating walking/biking access throughout the downtown Route 20/22 corridor. I understand that this project could have walking/biking access along the road in front of my property and I support these efforts."

Supervisor Houghtling stated that DOT is now open and supportive of things like crosswalks. In her initial conversation it sounds like they may be open to a push button crosswalk on Route 20/22. She doesn't have anything concrete to report at this time but all of the businesses are on board and she is having conversations with DOT. She stated that she would like to start looking into all of this in time for the TAP funding that opens up next year.

Shaker History Preservation Committee:

Supervisor Houghtling stated that we received the following email:

June, 2022

To the New Lebanon Town Board:

This letter is being written to encourage the Town of New Lebanon to develop a statement of concern and a plan about the historic area along Shaker and Darrow Roads. We are in danger of losing the historic heritage which is the foundation of our town identity.

This year has brought significant changes in the ownership and use of the historic Shaker buildings and lands.

The Shaker Museum (Mount Lebanon) is focusing their money and activities in restoring a building in Chatham for a new museum. The Shaker buildings that they own in the North Family will not be actively used for the next few years, and there has been no announcement of any future plans.

Darrow School has to build new dormitories to house their students. Darrow has been a conscientious keeper of the Shaker legacy, but they will have to figure out what to do with the old buildings no longer used as dorms.

The Ruins at Sassafra Farm have uncovered old foundations and renovated the barn and other buildings. Their struggle has been to find a way to use the buildings and grounds to generate revenue to maintain the project in a manner compatible with the site.

The Abode of the Message is now for sale. There is no protection for the Shaker buildings and there is the possibility they could be torn down. The Shaker landscape could be significantly changed.

All of these entities must find a way to earn money for the maintenance of their Shaker buildings.

The Zoning rewrite committee looked into changing the uses allowed in the area, but the proposed zoning changes were too specific. The area needs a plan which considers the historic buildings and landscapes for all the Shaker sites. The Town Board or a committee should search for other ideas and methods which could encourage their preservation and appropriate utilization.

In the meantime, the Town Board could also prepare a statement of the Town's concern about maintaining the heritage of this historic area.

*Signed by the majority of the Board of the Lebanon Valley Historical Society
Written by Jeannine Tonetti, Chair of the LVHS Collections committee*

Supervisor Houghtling stated they are looking for a plan from the Town that considers the historic buildings and landscapes for all of the Shaker sites and they are requesting that a committee be formed for this.

Discussion took place.

Mary Young, NL Rep to CC OFA and Traffic Safety suggested that they go to the Shaker Foundation in Chatham, NY and talk to them.

Supervisor Houghtling stated that Councilmember Gordon has volunteered from the ZRC and she thinks Jeannine Tonetti, LVHS is interested in serving on a committee.

A motion was made by Supervisor Houghtling, seconded by Councilmember Anthonisen and approved unanimously to go out for letters of interest for the Shaker History Preservation Committee with letters of interest due to the Town Clerk's office by 4:00pm on July, 8th 2022.

Comprehensive Plan Action Items:

Supervisor Houghtling stated that they have one action item.

A motion was made by Supervisor Houghtling, seconded by Councilmember Buckenroth and approved unanimously to direct the CSC to develop a plan for alternative methods of transportation and routes to promote multi-modal transportation throughout Town, with a focus on the old railroad bed with the plan to the Town Board by December of 2022.

SYP Request – Weekly Fees & Counselor Manual:

Weekly Fees:

Supervisor Houghtling stated in the past the Summer Camp Director didn't want to allow weekly enrollment. The new Summer Camp Director would like to allow this but they do want to discourage someone paying for six weeks because they go on a two-week vacation, that makes it harder to plan for counselor coverage.

The Summer Camp Director's request is to create a weekly rate that takes whatever the seasonal rate would be, divided by eight and then multiply by two.

Councilmember Buckenroth stated that she doesn't think this is a good idea. She stated our SYP if you live in New Lebanon costs \$480 for one child. Other camps have a cost of \$400 for one week. She commented that she did the math and she doesn't understand how they will have enough operating money and how they can staff properly.

Supervisor Houghtling stated to clarify, the cost of summer camp is offset by taxpayer dollars and it is done intentionally. Summer Camp used to be free, taxpayers paid for it even if they didn't have kids enrolled in the program. It changed but didn't change to the whole cost that it costs to run camp unless you are a non-resident, then it is expensive. If you pay school taxes to New Lebanon the town will offset it a little bit, if you pay town taxes to New Lebanon the town will offset it a little more. These prices are meant to be less than other camps because they are offset by taxpayer dollars.

Supervisor Houghtling stated that the regulations are twenty-five kids to one counselor, we typically have two counselors to a group of about ten kids, so adding a few kids for a week here and there is not going to increase the cost to run the camp or the amount of counselors that we need.

Discussion took place among the Town Board members.

Supervisor Houghtling stated that she thinks financially it brings in income that we are not currently receiving and it doesn't increase expenses at all.

A motion was made by Supervisor Houghtling, seconded by Councilmember Anthonisen and approved unanimously to create a weekly fee that is the relevant season cost divided by 8 and multiplied by 2 with the discretion being given to the Summer Camp Director of how many weekly enrollments are allowed with a first come, first serve basis with applications

specifying what week they are coming on the application and the right of the Summer Camp Director to refuse any weekly enrollments based on overall enrollment and staffing levels.

Counselor Manual:

Supervisor Houghtling stated that there are proposed updates to the Counselor Manual. The pages have different dates on them, for this update the pages will reflect the update date of June 2022. Supervisor Houghtling went over all of the amendments to be made.

A motion was made by Supervisor Houghtling, seconded by Councilmember Buckenroth and approved unanimously to adopt the revised Counselor’s Manual as proposed with the revised date being changed to June 2022.

ZEO/Building Department Administration/Deputy CEO – salary to hourly:

Supervisor Houghtling stated that Cissy in her position has gone from hourly to salary to hourly. When she went to salary it was when she became CEO, there are only certain positions that are allowed to be salaried. Supervisor Houghtling and Hazel “Cissy” Hernandez, ZEO, Building Dept. Admin. & Deputy CEO discussed the salary vs hourly and she is fine with it going to hourly pay.

A motion was made by Supervisor Houghtling to change the ZEO/Building Department Administrator/Deputy CEO position to be hourly at \$26.52 per hour effective June 18th, 2022 for 40 hours a week total, not to be allowed to go over 40 hours and be subject to overtime. 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

Policy Review – Key Policy & Social Media Policy:

Key Policy:

Supervisor Houghtling stated that she has no amendments to the Key Policy but would like to make a statement to be put on the record. The Town Clerk is the keeper of all keys and must have a key to every building for safety issues. When she was the Town Clerk, she wondered why she didn’t have a key to the highway garage and she was told by her predecessor, it’s fine, don’t ruffle feathers, the only person who has keys are the Highway Superintendent Winestock. The highway employees get their keys from the Highway Superintendent. She stated that it is totally out of compliance with our Key Policy.

She stated that the one thing that she has learned over and over again at training is that the Comptroller doesn't care so much what your policies say, but they care that you are following your policies. If you don't follow your own policies, you will get a bad audit and a slap on the wrist. She added, it is a safety concern, it is a whole building with flammable things in it and we have no access to it.

Supervisor Houghtling stated that multiple times the Town Board asked Highway Superintendent Winestock nicely to please get Town Clerk Robertson a copy of the key to the highway garage. She stated that he kept saying that he would and he never did.

Town Clerk Robertson stated that the last thing she remembered was that prior Councilmember Newton was supposed to change the lock on the door and when that was done, they would make new keys and get her a copy of the new keys. Town Clerk Robertson does not know if this was done or not.

Supervisor Houghtling stated that she is of the mind that they as the Town Board should go ahead and get the lock redone, Highway Superintendent Winestock will not have access to the highway garage until he signs out a key from Town Clerk Robertson in compliance with our policy. The highway employees can come sign out a key from the Town Clerk in line with our key policy and that will be that. She doesn't know if they have the authority to do that, she would need to find out from the Association of Towns but she feels like this is an important issue. The rest of the Town Board agreed that they need to follow the policy.

Town Clerk Robertson suggested if the board cannot do what they are suggesting that they amend the policy to exclude the highway garage.

Councilmember Trainor stated that he will mention it again to Highway Superintendent Winestock and see what happens.

Supervisor Houghtling commented that they can't get into the business of changing a policy to address one employee that refuses to comply with directive of the Town Board. They as the Town Board are not allowed to tell the Highway Superintendent Winestock how to do the roads but they do have authority over town buildings and properties. The highway garage is owned by the Town.

The Town Board tabled the Key Policy review.

Social Media Policy:

Supervisor Houghtling stated that she didn't see any changes on the social media Policy. The rest of the Town Board agreed.

A motion was made by Supervisor Houghtling, seconded by Councilmember Trainor and approved unanimously to mark the social media Policy as reviewed with no changes.

Employee Evaluation Process & Form Update:

Supervisor Houghtling stated that they need to update the form before the October evaluations. She stated that she has already made the change that Councilmember Buckenroth requested and she has amended the chart to add in Bookkeeper. She has changed the DCO review to be performed by both the Town Clerk and the Town Supervisor. She separated out CEO and ZEO, it used to be one position and had to get separated.

Supervisor Houghtling asked the Town Board to look over the chart and the review form and bring any changes to next months meeting. She stated that she asked for input from Town employees who did the evaluations and got none. She is waiting for the Building Department's updated job descriptions.

Town Clerk Robertson mentioned that on the two reviews that she performed under their comments, there is feedback regarding the review form.

Quality of Life Committee Resignation:

Supervisor Houghtling stated that unfortunately, Councilmember Buckenroth would like to step down from the QOL Committee to focus on the ZRC, the Town and skatepark responsibilities.

A motion was made by Supervisor Houghtling, seconded by Councilmember Gordon and approved unanimously to accept Britt Buckenroth's resignation from the Quality-of-Life Committee.

Annual Highway Bids:

Supervisor Houghtling stated that typically we do four annual highway bids. This year Highway Superintendent Winestock does not want us to go out to bid for sand, stone and gravel.

Supervisor Houghtling stated that she learned that if a town goes out to bid for a product and the Town Board accepts the bid, the Highway Superintendent does not have the discretion to buy off a State or County contract. She stated that this is actually easier. He has asked to go out to bid for equipment, fuel and calcium.

A motion was made by Supervisor Houghtling, seconded by Councilmember Buckenroth and approved unanimously to go out to bid for the following highway equipment; bulldozer, excavator, dump truck, mini excavator & mini track loader and to go out to bid for low-

sulfur heating fuel, low-sulfur diesel fuel & kerosene and to go out to bid for liquid calcium with bids due by July 8th, 2022 at 4:00pm and for the Town Clerk's office to advertise.

ANNOUNCEMENTS:

JUNE: (at the Town Hall)

Wednesday, June 22nd, 2022 at 6:30pm- Online Presentation of the Master Park Plan

Friday, June 24th, 2022 at 2:00pm- Special Meeting (Bid Results Splash Pad & Concrete Slab)

Tuesday, July 12th, 2022 at 7:00pm- Regular Monthly Meeting

Tuesday, July 26th, 2022 at 6:00pm- Special Meeting (ARPA Funds)

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.

Michael Deegan: spoke in person for POF: He stated that the Planning Board had a meeting last month, it was a Public Hearing about building sheds on the old Shed Man lot. He stated that tomorrow the Planning Board is going to rule on this. He stated that the 20/22 intersection is so important to us. He stated that at the Public Hearing there were many people at the meeting any many letters and there was no positive reason to build the sheds, it was all negative. He stated that it does not fit the Comprehensive Plan. He stated that the Planning Board should approve it because it fits into the zoning laws. He commented that he thinks that the Town Board could get around the problem of not being sued if this is turned down is that since the Planning Board serves under the Town Board that the Town Board put the Planning Board on a moratorium for 6-8 weeks and during that time the Town Board re-writes the zoning laws so that this project cannot be approved to be built there.

Supervisor Houghtling responded and told Mr. Deegan that what he is asking is illegal. She stated that you cannot change your zoning laws for a pending application. Once an application has been submitted, no matter what step it is in, you cannot re-write your zoning to prevent that project that has already been submitted.

Michael Deegan replied that the Comprehensive Plan does not fit the zoning laws.

Supervisor Houghtling responded that they can look at amending the zoning for future applications, you cannot amend your zoning for a pending application, for this exact reason, it is just illegal.

Supervisor Houghtling responded that they could actually have a zoning law ready to be adopted at their next Town Board meeting and have an application come in for the Planning Board the day before the meeting and go ahead and approve that Local Law that minute but that application pre-dates that change.

Supervisor Houghtling stated that the Town Board has no authority over the Planning Board, nor should they. They have the authority to appoint Planning Board members, the authority encourages them to follow the Comprehensive Plan which she knows they are quite aware of and they do a great job talking about it every meeting, they do not nor should they have the ability to try to sway the Planning Board's decision one way or the other. She stated that the Planning Board is an autonomous board, they are tasked at Planning Board applications.

Michael Deegan responded so in other words they are either going to have a lawsuit from Camp DD or they are going to have five ugly storage sheds at one of the most historic crossroads of this area.

Supervisor Houghtling replied that she has confidence in our Planning Board and our Attorney that guides the Planning Board that they are going to do whatever is within their legal ability to ensure that our Comprehensive Plan is followed. At the end of the day, if they cannot legally deny an application then she doesn't think that they should.

David Farren: Asked to be on the public record with the results of the testing today that the DOH has done around the High School and downgradient from the abandoned town landfill.

Supervisor Houghtling responded, yes. She stated that she received a call from DOH, they tested eleven private wells downgradient from the landfill and all came back non-detect. It was the same results as last time, the same nine wells that were tested last time plus two additional wells and Shatford Park got tested and they are all non-detect for PFAS chemicals. She stated the great news is that the contamination at the High School is definitively not coming from the landfill, the landfill is not leaking PFAS contamination. The tricky part now is where is it coming from, that will now go to the DOH. DEC was involved because it was a landfill. Once it is definitively defined that it is not coming from the landfill, DEC steps aside and becomes DOH. The DOH have been working with the High School.

David Farren commented that he heard they re-tested at the High School and it is now well below the minimum.

ADJOURNMENT:

A motion was made by Supervisor Houghtling, to adjourn the meeting at 10:37pm. 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

Respectfully submitted,

Marcie Robertson
New Lebanon Town Clerk