

**MINUTES OF THE REGULAR MONTHLY MEETING OF
THE TOWN BOARD OF THE TOWN OF NEW LEBANON
HELD ON AUGUST 9, 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: David Farren, CAC Chair
Peg Munves, CAC & BEDC Member
Mary Young, NL Rep to CC Office for the Aging & NL Rep
to CC Traffic Safety
Sharon Powers, IT Website Support & BEDC & QOL
Committee
Steve Powers, CAC Member & CSC Chair
Erminia Rasmussen, BEDC, & QOL Committee
Bruce Shenker, NL Rep to CC Env Mgmt Council & CSC
Ted Salem, ZBA Member & ZRC Chair
Mark Baumli, ZRC Member
Bob Gilson, CAC Member (8:34pm)
Christine Dreyfus, MOW
Members of the Public

CALL TO ORDER:

The meeting was called to order at 7:00pm by Supervisor Houghtling. The meeting was held in person at the New Lebanon Town Hall, 14755 State Route 22 North, New Lebanon, NY 12125 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 held in remembrance of Jo Raney, Wayne Martin Jr. and Donald Griffin followed by the flag salute. The emergency exits were pointed out.

MINUTES:

The minutes of the **July 12, 2022 Regular Meeting** were reviewed.

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

FINANCIAL:

Supervisor's Report:

The Supervisor's Report as of July 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 Gordon.

Roll Call Vote:

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

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. No one in person spoke and there were no emails received for the first POF.

BUDGET AMENDMENT #7 OF 2022:

Supervisor Houghtling stated that when they budgeted for Music in the Park, they forgot about the ASCAP fee and they are short \$40.00.

General Fund:

\$ 40.00	from A-1990.4 (Contingency)
\$ 40.00	to A-7270.4 (Music in the Park)

A motion was made by Supervisor Houghtling to approve the above noted budget amendment #7 of 2022 as typed. The motion was seconded by Councilmember Anthonisen.

Roll Call Vote:

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

AUDIT OF BILLS:

2022 Bills:

General Nos. 298 through 299, in the amount of \$429.93;
As listed on Abstract No. 7A dated August 9, 2022.

General Nos. 300 through 336, in the amount of \$30,984.42; and
Highway Nos. 86 through 95, in the amount of \$18,915.11; and
SF-1 LVPA No. 3, in the amount of \$38,075.50;
As listed on Abstract No. 8 dated August 9, 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:

We are well underway in the land portion of the Reassessment and will soon be testing the numbers.

We have created and will continue to keep a sales book for the residents to view. Which will be very helpful during the informal and grievance time period next year.

We have 1 Small claims assessment review hearing which I will prepare for and attend.

Michelle, the assessor clerk, is starting to learn more about assessment administration and will continue to advance in her position.

Sales prices have been coming in at an increase over previous years.

The State continues to send us STAR updates which include removing Star from taxpayers that are 1 year or more behind in their property taxes.

Also, we have just been given a list of all 911 addresses and will be trying to update our files with the correct information as time permits.

Building Department (Councilmember Buckenroth):

Councilmember Buckenroth reported the following from the Building Dept:

Saturday, September 24 is Town Clean Up day from 8 am to 2 pm in Shatford Park.

Residents will have access to trash dumpsters.

Residents need to get a punch card by showing proof of residency and dropping off a non-perishable food item (not expired) that will be donated to Charlie's pantry.

Business & Economic Development (Councilmember Gordon):

Monte Wasch, was absent, Councilmember Gordon stated that there was no meeting, nothing to report at this time.

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

David Farren, CAC member reported the following:

The CAC formed a subcommittee at our July meeting to assess the Shatford Park Improvement Plan that Barton & Leguidice has proposed. Tyler Fogg and Bill O'Neill volunteered to do the assessment and report back at our August meeting last night. During this process, they reached out to our Town Board liaison, Deb Gordon. We discussed their assessment at length last night and recommended some changes. Earlier today, I sent all Town Board members via an email attachment the final response agreed upon by the CAC last night. See the following:

**Town of New Lebanon Conservation Advisory Council (CAC)
Response and Recommendations
to the Proposed Shatford Park Improvement Plan
BACKGROUND**

At the January 11, 2022, Town Board meeting, the Board hired Barton & Loguidice (B&L), an engineering company, to draft a park improvement plan for Shatford Park (Park) together with an agreement to write a grant application to secure possible funding for the proposed plan.

From February to May 29, 2022, the Town Board, Recreation Commission and B&L created and distributed a survey to get the best information of the community's needs, concerns and wants and to get as much public input as possible. From May 29 to June 2022, completed surveys were reviewed and B&L prepared a plan.

One summary of the Town's survey has indicated the most important benefits people wanted from the park are: 1. providing more social spaces; 2. youth activities; 3. improving ways for physical health and fitness. The results also showed that residents want more amenities. The top 5 were: 1. Walking Paths; 2. Splash Pad; 3. an up-to-date playground; 4. a Skate Park, and 5. Drinking Fountains. No mention of inadequate parking was apparent in either the survey questions or results.

On June 22, 2022, B&L hosted a virtual and in-person public hearing on the proposed Plan to answer questions and get immediate feedback on specifics, which in turn would allow B&L to begin the grant-writing process. The Town Board authorized \$5,000 to B&L to apply for the grant by the end of July 2022. There were 12 attendees at the virtual public meeting and approximately four in-person attendees. In addition, four people have viewed the recording on the project website. It is not known how many people have accessed the proposed Plan on the Town's website. Several CAC members attended the virtual meeting. However, B&L did not submit the proposed Plan to the CAC prior to June 22, 2022. Since that time, although additional comments have been solicited, the results are unclear.

CONCERNS

Following the hearing on June 22, several concerns about the proposed Plan have been raised. In no particular order, these are the concerns.

- The Plan appears to call for a great deal of paving on a floodplain.
- Drainage, seasonal maintenance, repairs and patching as well potential liability issues due to lack of upkeep are not addressed.
- Is the proposed Plan's goal a rural park or a suburban park?
- Will the road, parking areas and proposed 8'-wide walking paths require timely plowing or other costly maintenance?

Other concerns appear to be within the purview of the CAC, as follows.

- Streambank erosion mitigation details
- Permeable options for parking areas
- The width of any trails
- A nature trail with interpretive options and potential connections to the Corkscrew Rail Trail

The link below is to the proposed Plan on the Town's website:

<https://bartonloguidice.mysocialpinpoint.com/shatford-memorial-park-master-plan>

FUTURE CONSIDERATIONS

Parking, the Road and Trails

The proposed Plan calls for over 80 paved parking spaces as well as paved trails and a paved road. In the Draft Master Plan, please see under Proposed Site Features: "Proposed Parking Areas + Circulation," "Proposed parking lots with striped parking stalls will clearly define parking areas near the amenities . . ." "Proposed Walking Loop Trail" "A proposed accessible walking loop will consist of 8-ft. wide asphalt paths designed for single use including walking, jogging, running, etc. Bicycle use within the park will be on paved road surfaces . . ." Clearly the Plan calls for paved paths, roads, and parking lots.

Since June 22, 2002, there has been a reassessment of the paved areas in the park, although this change has not been reflected in the proposed Plan. On July 26, 2022, B&L indicated that in the USDA Accessibility Guidebook for Outdoor Recreation and Trails, pages 36-37, it states: "Surfaces for Outdoor Recreation Access Routes The surface of an outdoor recreation access route and the surface surrounding constructed features must be firm and stable.

- A firm surface resists deformation by indentations.

- A stable surface is not permanently affected by expected weather conditions and can sustain normal wear and tear from the expected use(s) of the area between planned maintenance cycles.”

There are many better alternatives to asphalt, like crushed stone or airport mix material. Many places in the park currently provide stable and firm parking on grass despite repeated use. The most important feature of any material used for road or pathway construction is that it is permeable.

Further, given the apparent flexible nature of the proposed Plan, the nature, extent and location of any parking areas should also remain flexible and dependent on the future locations of the Park’s amenities. At present the Park is only maintained for three seasons without snow plowing in the winter. As the Park evolves, so should the parking areas.

Other Road and Pathway Considerations

The proposed pathway width is 8 feet, almost as wide as a single lane road. A rationale for this width is to allow two wheelchairs to pass each other. While increased accessibility is one of the goals of the proposed Plan, a 6-foot width would be just as accessible. An 8-foot width would invite other uses, such as motor vehicles, motor bikes, ATVs and so forth, much to the detriment of the path, pedestrians, and wheelchair users.

As with the road, similar considerations should apply for the composition of any pathways. The most important feature of any material used for pathway construction is that it is permeable.

The proposed Plan also contemplates realignment of the road through the park. Two apparent alternatives are presented in the Plan. The first proposal goes south of the tennis courts to the Pavilion, while the second goes north of the courts to the Pavilion. The southern alternative would apparently necessitate coming close to an existing line of trees, with the possibility of causing them damage. The northern alternative achieves the same end at the Pavilion without potential damage to trees and interference with sledding in winter. It should also be noted that both realignments will cause future concerns for the placement of solid waste receptacles for Town Clean-up Day.

Many of the new and improved amenities in the proposed Plan focus on the northern end of the park. Allowing increased traffic flow through the park would lead to additional traffic exiting onto Old Post Road and then to hazardous turns onto NYS Rte. 22.

Other Concerns and Suggestions

One major concern addressed tangentially in the proposed Plan is noted as “Proposed Shoreline Stabilization.” Further details are not provided, but this is a legitimate concern due to the current rate of erosion along the stream during the past two years. Granted, both 2020 and 2021 saw high levels of rain and future rainfall is uncertain. Nonetheless, streambed erosion in the park should be a prominent concern. Both major existing trees closest to the stream on its east side have seen substantial erosion recently, exposing their roots and threatening their viability. Several areas of erosion have created potentially dangerous overhangs on the east bank. The banks on the west side

of the stream are composed of fill material that appears to be very susceptible to erosion, exposing construction debris. With conservation in mind, stabilization of the stream banks should be a priority.

Another area of concern is the area labeled “Proposed Wetland Seed Mix,” a term not defined elsewhere in the proposed Plan. The area suggested along NYS Rte. 22, while wet, is not an actual wetland and would substantially interfere with the existing Trees for Tribes plantings. Those seedlings are growing and doing well, and this area offers the potential for an interpretive trail and a possible pollinator meadow with mowed pathways. The CAC has devoted substantial resources to this area.

Another aspect of the proposed Plan of concern is the area marked “Future Acquisition” adjacent to the Wyomanock Creek and the potentially expanded Corkscrew Rail Trail (CRT). This area is currently closed by the landowner but represents a valuable addition to the park for its own sake and for access to an expanded CRT. Given the pending renovations of the park, the CAC would encourage the town to acquire this parcel.

SUMMARY

The CAC makes the following recommendations for the proposed Shatford Park Improvement Plan:

1. Any construction or renovation of roads, pathways or parking lots should be done with permeable paving materials and wherever possible left as naturally stable and firm grass.
2. The proposed Plan should incorporate by reference the USDA Accessibility Guidebook for Outdoor Recreation and Trails as recommended by B&L.
3. Any construction of pathways should be no wider than 6 feet.
4. The stabilization of the stream banks should be a priority to prevent further erosion, protect existing trees and eliminate potentially dangerous overhangs.
5. The proposed realignment of the park road should be to the north of the existing tennis courts. This will avoid any potential damage to the trees south of the courts and maintain access to the current sledding area.
6. The proposed area for the “Proposed Wetland Seed Mix” should be reconsidered for an actual wetland.
7. Given the renovations to the park, the Town should consider acquisition of the area near the Wyomanock Creek to provide access to the creek and the Corkscrew Rail Trail. This area is in fact a wetland.

Respectfully submitted, The Conservation Advisory Council for the Town of New Lebanon

Do you have questions? (A lengthy discussion among board members ensued).

The CAC acknowledges that Town Board members would like the CAC to lead the effort on water monitoring that ranked high on the ARPA community questionnaire. I (David) will reach out to Steve Winkley to assess next steps. We will build in projected costs in our 2023 budget request. (Again, there was some discussion among board members.)

Finally, the CAC will sponsor once again a raptor presentation to campers at the Summer Youth Program. It has been scheduled for 1:00 P.M. on August 17 at the Pavilion. The Sharon, Connecticut, Audubon Society will again do the presentation.

Steve Powers, CSC Chair reported the following:

Heat Pump Campaign: *we were informed last week by NYSERDA that we met our goal of 5 residents purchasing heat pumps and thus qualify for the \$5000 grant. In addition, the points we received for the Heat Pump campaign bumped us up to 4100 in NYSERDA's Clean Energy Communities which entitles the town to another \$20,000 grant for energy related projects. New Lebanon is a Regional Leader in the Capitol District. This brings us to a total of \$40000 that we have qualified for this year plus about \$8000 on hand from community solar. NYSERDA has assigned a program manager and we will work with her to see how we can get the cost of the entire town hall covered for Heat Pumps. The lowest estimate we got was over \$81,000 after rebates. The cost is high because they have to do it at prevailing wage.*

Electric Vehicle Campaign: *The CSC has approved the next campaign. We need 5 New Lebanon residents to purchase electric vehicles to qualify. When the goal is met, it will get us 200 points in NYSERDA's CEC program, and another \$5,000 grant in NYSERDA's. So, we are asking the Town Board to approve the CSC participating in a Community Campaign for Electric Vehicles.*

A motion was made by Supervisor Houghtling, seconded by Councilmember Buckenroth and approved unanimously authorizing the CSC to participate in the Community Campaign for Electric Vehicles.

Rail Trail: *based on the Town Board's request at the last meeting that the CSC work with the Corkscrew Rail trail and Laberge to research and write grants to extend the rail trail to encourage walking and bicycle use in downtown, we met with Jerrine and Nicole from Laberge on Monday. We will continue to work together to devise a plan to present to the Board.*

Repair Café: *the next multi-town one will be on Sept 17 in East Nassau*

Bike program: *15 bikes were repaired at the Climate Carnival, and the team received requests for an additional 30 bikes which are being processed now.*

The Composting Program: *continues with Cathy, Liz and Bruce picking up coffee grinds and food scraps at restaurants in town and taking them to the Chatham Collection center. We may have a Cornell Grad School class working on a project that we will report on next month.*

Farmer's Market: *we are at the outdoor market every Sunday and we encourage everyone to stop by.*

CSC advisor Marc Anthonisen has taken a teaching position at Ithaca College. We wish him the best of luck and thank him again for his service to the Town and CSC.

Bruce Shenker, Environmental Management reported the following:

County Solarize Campaign:

The Towns of Claverack, Germantown, Ghent and Kinderhook were the first to kick off the Campaign and submitted their qualifying Community Solar enrollments to NYSERDA. There are #130 enrollees to date. there is emphasis on reaching disadvantaged communities. The purpose of the Campaign is to educate and inform the community and ensure consumers it is a legitimate program.

County Climate Smart:

The County recently filed for Bronze Certification and the County community solar campaign will soon end. Upcoming projects will include community solar and energy efficient heat pumps.

The Climate Carnival was a well-attended event held on Saturday, July 16th at the Columbia County Fairgrounds in Chatham, NY staffed by volunteers and County employees. The free store and the repair cafe were a tremendous success. It was a youth driven event offering educational, scientific experiments for children. Plans are being made to hold it earlier next year.

The CCCSCTF passed a resolution to recommend to the Board of Supervisors Government Committee Meeting an offer from the Capital District Regional Planning Commission (CDRPC), to initiate a Climate Adaptation and Resilience Planning (CARP) program for the County.

David Newman reported on the study of the Harlem Valley.

Rail Trail NW 11 (HVRT) and shovel ready plan for the engineering of bridge overpasses. Towns, businesses and nonprofit organizations sent letters of support. Hillsdale to Chatham section is incomplete. The budget is \$600,000 and the actual grant and private fund-raising goals are \$300,000 each. The total cost is \$8-\$10 million over a 10-year time frame.

Health Department:

Conversation on re-use containers continues and pilot programs are serving take out in re-usable containers. Restaurant owners' prices have increased for new containers as well as the cost to dispose of the old containers. Becker would like to start a small pilot program in Chatham to lead by example and stop the fear of change.

Shaker Swamp:

Feasibility study is full swing with onsite review of the area on Wednesday August 3. We should have a preliminary report in September.

Fire, Law Enforcement & Emergency (Councilmember Trainor):

Councilmember Trainor reported that for July, the LVPA had 61 people put in 159.25 hours, 14 incidents and there were a lot of wires down and trees on wires with the wind and storms.

Highway (Superintendent Winestock & Councilmember Trainor):

Councilmember Trainor reported that per Supervisor Houghtling, Highway Superintendent Winestock is okay with the Procurement Policy.

Historian & LVHS: (Councilmember Trainor):

Historian:

Councilmember Trainor read the following from the Historian:

- *Met with the Shaker Preservation Committee on July 21 and August 4. The July 21 notes are attached. The August 4 notes are being edited.*
- *Conducted research on The New Lebanon Conference of ministers— a meeting of prominent religious leaders held in New Lebanon in July 1832 to resolve disputes in Presbyterian practices between “New Measures” and traditional worship. This is an interesting piece of New Lebanon History that I will research.*
- *Wrote an article for Grow the Valley on U.S. Route 20 being named a Medal of Honor highway. The terminus for Route 20 is in New Lebanon at the border with Massachusetts.*
- *Participated in an on-line discussion with members of the American Historical Association on books we are reading this summer. I am currently reading The Black Church: This is Our Story, this is Our Song by Louis Henry Gates, Jr.*

LVHS:

Councilmember Trainor reported that on July 31st, Kyle Kuffel presented a program at the Town Hall on his work of metal detecting and his finds.

Justice Court/Constable (Councilmember Anthonisen):

Councilmember Anthonisen stated no report at this time.

Library (Councilmember Buckenroth):

Councilmember Buckenroth reported the following from the NL Library:

Coming up is the Friends group Tag Sale to benefit the library. Here are the details:

· It will be held on Sunday, September 4th from 9:00 AM – 4:00 PM.

· Residents may register for a space at the tag sale to sell their own items for a fee of \$10 (must bring their own table). They can stop at the library to register up until Friday, September 2.

· This is the last opportunity to buy raffle tickets for the Bookshelf Quilt on display at the library. The drawing will be held at 4 p.m. Winner need not be present to win. Tickets may also be purchased at the library and cost \$5.00 each or 5 for \$20.00.

Buildings, Parks & Recreation (Councilmember Buckenroth):

Councilmember Buckenroth reported the following from Abbie Shoobs, Recreation Commission Chair:

Parks and Rec:

Parks and Rec met on 7/19, discussed having local guided walks.

The first two have been scheduled and will be led by Joanna Ezinga, on the rail trail. They will be on Friday August 26, 8:30-9:30AM meeting by K-Shack; and on Tuesday, September 27, 5:30-6:30PM, Meeting at the Weisbuch pavilion in Shatford park.

On 7/21 we had a successful Music in the Park event, despite the 96° heat. About 125 attendees, beyond the band members. It was great!

Town picnic is on August 21 from 12 -4 - Hot dogs, corn, watermelon and water provided by Stewarts. Please bring a side item or dessert to share.

Seniors (Councilmember Gordon):

Mary Young reported the following:

The Department of Health continues to offer vaccines for Covid. See the DOH Web site.

The Senior Picnic will be 9/8 at the Stuyvesant Falls VFW from 10:30am to 2:30 pm. You must call or send in a reservation by 8/26 to the Office of the Aging. The picnic includes vendors and special booths which cater to people 55 and older. There will be a DJ as well.

Farmer's Market coupons are available from the Office of the Aging. Josh was at the Senior meeting this past Friday and gave an excellent presentation about the Farmer's Market and answered questions.

The Board of Supervisors has set up a committee to develop a transportation program for the County. They started with the idea that Tistrya and Brenda Adams proposed last year and are expanding on that.

The Office of the Aging continues to look for volunteers to help with their programs. The Office of NY Connects reported that they are making presentations to all the Senior Meal sites to talk about programs available through The Healthcare Consortium through August. The Town Clerk has been provided a link to the Healthcare Consortium which they will be asked to add to the Town Web site.

New Lebanon Seniors had a wonderful trip Whale Watching in Gloucester the end of July. The beautiful animals were performing beautifully with plenty of jumps and dives. The guide said that trip had the most whale sightings that week.

A covered dish luncheon will be held at the August 19th meeting to honor members who are 80 and above. On September 16th they will meet at the Lakeview restaurant to have a luncheon in remembrance of loved ones who have passed this past year.

There are other trips available, see the Eastwick Press for dates and times.

The Seniors voted to allow working Seniors to attend special events and go on trips if they would like to. Dues would be requested, and they would pay additional fees just as the Senior do now for programs.

Volunteers (Councilmember Anthonisen):

Councilmember Anthonisen reported that they had a very good volunteer “Thank you” brunch, a lot of people showed up. She thanked Councilmembers Gordon and Buckenroth for their help.

Supervisor Houghtling thanked Councilmember Anthonisen for all of her hard work organizing the volunteer luncheon and for cooking all of the food.

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

Traffic Safety (Mary Young):

Mary Young reported the following:

The repaving of Rt 22 south continues with the white lines in place and now the center line changed to help drivers know they are close to the center of the road. The Taconic Parkway is being repaved from I 90 in Canaan to Exit 217.

The Traffic Safety grants requested by the Sheriff's Office were approved, one includes a driver safety course to High School Seniors.

Town snowplows may now have a green light on the truck when plowing snow. Green and Blue lights have been found to show up better than red and yellow. This applies to only City, Town, or State plows.

Rt 20 has been named a Medal of Honor Highway. The Governor has named the NY section for Disabled Veterans except for a section by Buffalo. Bitsy Winig, the Historian has put an article in the Grow the Valley. Signage will be placed by the state.

The request from the town for weight limit on County route 9 and 5 remains under discussion at the County level.

Comparison Committee (Councilmember Anthonisen & Supervisor Houghtling):

Supervisor Houghtling reported that they don't have an update at this time.

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

Councilmember Anthonisen reported that Bob Gilson is working on connecting with a group from Albany to get an analysis for New Lebanon on affordable housing.

Comprehensive Plan Action Item Update (Supervisor Houghtling):

Supervisor Houghtling reported on behalf of Norman Rasmussen, nothing to report at this time.

County Update (Supervisor Houghtling):

Supervisor Houghtling reported that the Climate Carnival was a huge success. DEC put out funding through the CDRPC, they are doing a climate resiliency plan and it is in front of the County Board of Supervisors. They will be contracting with Cornell Cooperative Extension to do the work. It will also be coming to each town in Columbia County. The Town Board will be asked to pass a resolution to join in the process. This plan will be focusing on things like draught and flooding and how to mitigate the best way possible.

There is a resolution in front of the County tomorrow night to expend \$60,000 of County ARPA funds for a county-wide EMS study. There have been issues nationwide with EMS services and PJ Keeler, who runs our County EMS has requested that the county pay for a study to show where the county's weaknesses are and our strengthens and it does provide an action plan on how the county might improve.

The County did a county-wide housing study and the recommendation that came out of that study, is that the County hire a county-wide housing coordinator.

OLD BUSINESS:

Splash Pad & Skatepark Slab

Supervisor Houghtling reported that in talking to both the town attorney and the engineer the recommendation at this time is that they deny all bids that were received and go back to the drawing board with the bid specs. Supervisor Houghtling will be meeting with the engineer on Thursday, she has a long list of concerns. The recommendation is to put it into the budget and go out to bid the beginning of January with construction to start in the beginning of spring.

A motion was made by Supervisor Houghtling, seconded by Councilmember Buckenroth and approved unanimously to deny all bids received for the Splash Pad and Skatepark Slab.

Employee Evaluation Process & Form Update:

Supervisor Houghtling stated that they were waiting for two new job descriptions. When they as a Town Board adopted job descriptions, Cissy held three positions and wrote her job description to incorporate all three and now that Jeff is CEO, Cissy is ZEO and Building Department Administrator, Supervisor Houghtling thought it was important to

have a different job description for each position. There are now two new job descriptions that didn't exist before; Land Use Administrator and ZEO. There is also a job description that was adopted on 4/12/2022 for Bookkeeper to the Supervisor.

The Town Board held a brief discussion.

A motion was made by Supervisor Houghtling, seconded by Councilmember Anthonisen and approved unanimously to adopt all 20 job descriptions and mark them as reviewed and adopted on 8/9/2022.

The Town Board reviewed the Employee Evaluation Chart with the following changes; adding in Supervisor evaluating Bookkeeper; separating out CEO and ZEO; adding in that Supervisor does DCO evaluation with the Town Clerk and no evaluations for motor equipment operators because they are Union.

A motion was made by Supervisor Houghtling, seconded by Councilmember Trainor and approved unanimously to re-adopt the Chart for performing employee evaluations and mark it amended and re-adopted on 8/9/2022.

The Town Board went over the Performance Evaluation Form and the only noted amendment was the in the 1 through 5 scoring and changing #5 to an area of great strength. The board held discussion on the length of the evaluation form and Councilmember Buckenroth agreed to work on shortening the review form.

The Town Board agreed to table the Performance Evaluation Form.

The Town Board reviewed the Power Point presentation that goes to all of the evaluators and evaluates. Councilmember Buckenroth agreed to review this for possible amendments.

The Town Board agreed to table the PowerPoint presentation.

Adopt Introductory LL#4 of 2022 – Procurement Policy Amendment:

Supervisor Houghtling stated that after talking with Highway Superintendent Winestock, he is happy with the way the updated Procurement Policy is written. She stated that the main goal of this update is that when something has to be towed or it is really implausible to get quotes for maintenance only on vehicles and equipment that he doesn't need to. Supervisor Houghtling stated that she explained to Highway Superintendent Winestock and he understands and is comfortable with the way it is written.

Supervisor Houghtling stated that this is subject to permissive referendum.

A motion was made by Supervisor Houghtling to enact Introductory Local Law No. 4 of 2022, subject to permissive referendum, and to authorize and direct the Town Supervisor and Town Clerk, in consultation with the Attorney for the Town, to satisfy all applicable publication, posting and filing requirements that apply to the enactment of Introductory Local Law No. 4 of 2022. 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

Walkable Downtown:

Supervisor Houghtling stated they are looking into potential funding and grant sources. She has a meeting scheduled later this month with DOT to discuss what is allowed in the 20/22 corridor.

Introduce Introductory LL#5 of 2022 – Proposed Moratorium:

Supervisor Houghtling stated they received a request from the ZRC Chair and others to consider a proposed moratorium on self-storage units. Ted Salem, ZBA member and ZRC Chair worked with the town attorney on this Introductory Local law.

Ted Salem, ZBA member and ZRC Chair explained the application process and the Introductory Local Law #5 of 2022 to the Town Board.

The Town Board held further discussion.

A motion was made by Supervisor Houghtling to introduce Introductory Local Law #5 of 2022 as drafted, inserting a \$35.00 amount for the waiver fee on page #3. 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

A motion was made by Supervisor Houghtling, seconded by Councilmember Gordon and approved unanimously to schedule a Public Hearing on Introductory Local Law #5 of 2022 for 6:55pm on Tuesday, September 13th, 2022.

ZRC Tasks – Parking Lot Permits & Permit Renewal Limits:

Supervisor Houghtling stated that a ZRC member discussed two potential changes they might want the ZRC to work on. She stated that she agrees with both and also spoke with Cissy and Jeff and they both agreed as well and had some ideas to share with the ZRC on how to do it. Before she asked the ZRC to work on them, she wanted to be sure the Town Board agreed that these are things they want to change.

The first is some sort of application or permit for parking lots for our commercial properties. There have been issues with some of the parking lots in our downtown commercial district and the building department has no jurisdiction currently as there is no permit required for parking lots. The ZRC would research how to do it, what the parameters should be, etc., but the idea is to have some oversight on being able to regulate the condition of parking lots on retail establishments where the public is accessing the business via the parking lot.

The second is some restriction on how many extensions someone can get on a building permit so they aren't extended year after year for 5,10, 20 years but rather an expectation that work will be done in a timely fashion (there could be some exceptions) and also inserting some structure for permits that don't get extended nor closed. Again, the ZRC will work on what it could look like, look at other town's codes, work with the attorney on what is allowed, etc.

The Town Board held discussion on this matter and they were all in favor of the ZRC looking into these matters.

Ted Salem, ZRC Chair stated that he is fine with the subject but this isn't something that will happen anytime soon that they have more pressing things that they are currently working on.

BEDC Letters of Interest:

Supervisor Houghtling stated that there were no letters of interest received and the Town Board agreed to not go back out for letters of interest at this time.

Request to Forgive Penalties & Interest on the Depot Property:

Supervisor Houghtling stated that the resolution we passed at our June meeting went in front of county government at the county BOS – it was all in executive session. The Town Board requested that the County forgive the penalties and interest on the Depot Property because the town would like to have use of the Depot property. They are not sure of what that use might be yet but the Rail Trail has offered to the town that whatever use this historic Depot could be used for, the Town is welcome to use it for that. A committee was

formed and they are currently looking for available grant funding and what potential uses could be. The County is willing to forgive the penalties and interest as long as there is a very simple written commitment from the Rail Trail that includes two things. First, that the Town has use of the Depot building for whatever use the Town deems appropriate and beneficial to the Town and second, if ever the Rail Trail did not own the property, that the Town would retain ownership of the Depot building and property.

The Town Board held further discussion. Ted Salem, ZBA Member and ZRC Chair stated that a use variance will never happen just as an FYI for the Town Board.

A motion was made by Councilmember Buckenroth, seconded by Councilmember Trainor and approved unanimously to authorize Supervisor Houghtling to enter into an MOU with the Corkscrew Rail Trail Association.

John Ray – Fuel Prices:

Supervisor Houghtling stated John Ray & Sons called her regarding the board's decision to try the locked in fuel rate but fuel prices have gone down. John Ray & Sons recommended not letting the prior motion stand effective for the entire month of August but to make a new motion at this meeting that is effective tomorrow to go back to the fixed add pricing.

A motion was made by Supervisor Houghtling, seconded by Councilmember Anthonisen and approved unanimously to go to fuel prices using the fixed add as of 8/10/2022 for diesel and heating fuel.

NEW BUSINESS:

ARPA Funds to Support Local Businesses Proposal:

Supervisor Houghtling stated that at the last Special Meeting the Town Board tasked a few different committees at looking into potential ways to expend ARPA Funds for some of the top-rated ARPA Survey results. She stated that the number one result was supporting local businesses. Supervisor Houghtling reported that when she tasked the BEDC it was two-fold. One was that an outreach was already completed and heard from at least two businesses that really needed financial support sooner than later. The other task is for the BEDC to look at other ways to help support local businesses.

Monte Wasch and Josh Young of the BEDC did a lot of research. Supervisor Houghtling sent them the templates that the ARPA Consultant had provided. They were all in agreement that those application templates were very complex for a small business owner. Monte and Josh created a draft application that Supervisor Houghtling would like the Town Board to go over at tonight's meeting, make any amendments if needed and hopefully adopt it tonight. She would also like to create a process for the ARPA applications and a

committee. Supervisor Houghtling stated that Monte Wasch and Josh Young are both willing to serve on a committee, she would also like to have Sharon Powers and Danielle Kuffel of the BEDC on this committee with the goal of helping businesses with the application and the review process.

The Town Board held discussion on the process, the application and the qualifications for businesses. The Town Board reviewed the application and all agreed to edits discussed

A motion was made by Supervisor Houghtling, seconded by Councilmember Buckenroth and approved unanimously to adopt the New Lebanon ARPA Fund Application Form for local businesses as drafted with amendments.

A motion was made by Supervisor Houghtling, seconded by Councilmember Buckenroth and approved unanimously to appoint an ARPA Fund Application Sub-Committee of the BEDC with the following members; Monte Wasch, Josh Young, Sharon Powers and Danielle Kuffel to assist businesses in filling out the application form and to meet with the businesses to review their application and help them refine the application to fit the intent of the Town Board for giving out ARPA Funds.

See Addendum A

Speed Limit Reduction Request – Main Street:

Supervisor Houghtling stated that Main Street is currently not posted with any set speed limit. There is no set speed limit currently, which means that it is 55mph or whatever safe conditions of the road are. A resident has requested a 25-mph zone. The request prompts a speed study and DOT determines an appropriate mph to set.

TOWN OF NEW LEBANON

RESOLUTION #28, 2022

REQUEST TO REDUCE THE SPEED LIMIT ON MAIN STREET

AUGUST 9, 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 9th day of August 2022, the following Resolution was proposed and seconded:

Resolution by Supervisor Houghtling
Seconded by Councilmember Trainor

**CALLING ON THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION
(NYS DOT) TO REDUCE THE SPEED LIMIT ON MAIN STREET IN NEW
LEBANON, NY**

WHEREAS, the New Lebanon Town Board recognizes that Main Street from Route 22 until the Town of New Lebanon boundary runs through a residential area with many people walking, and

WHEREAS, this stretch of Main Street currently has no set speed limit, meaning it is a 55mph zone or whatever is safe for the condition of the road, and

WHEREAS, while the road may be straight and paved, it is not safe for cars to go 55mph, and

WHEREAS, because of the straight and paved conditions of the road, cars often go much faster than what is safe for this residential community.

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of New Lebanon does hereby call on the New York State Department of Transportation to reduce the posted speed limit on Main Street between Route 22 and the Town boundary in New Lebanon, NY, to **25 mph**.

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: August 9, 2022

Marcie Robertson, Town Clerk

Town of New Lebanon

Speed Limit Reduction Request – Extension Road:

Supervisor Houghtling stated that Extension Road is also not posted with a set speed limit, which means that it is a 55mph speed limit on the road. She stated that there is also no

yield sign from Extension Road onto Canaan Road, she would like to add into the request for a yield or stop sign at the intersection with Canaan Road.

TOWN OF NEW LEBANON

RESOLUTION #29, 2022

REQUEST TO REDUCE THE SPEED LIMIT ON EXTENSION ROAD

AUGUST 9, 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 9th day of August 2022, the following Resolution was proposed and seconded:

Resolution by Supervisor Houghtling

Seconded by Councilmember Buckenroth

**CALLING ON THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION
(NYS DOT) TO REDUCE THE SPEED LIMIT ON EXTENSION ROAD IN NEW
LEBANON, NY**

WHEREAS, the New Lebanon Town Board recognizes that Extension Road from Canaan Road until Churchill Road currently has cars going much faster than is safe for the condition of the road and it has no posted speed limit, and

WHEREAS, Extension Road currently has no set speed limit, meaning it is a 55mph zone or whatever is safe for the condition of the road, and

WHEREAS, because the road is steep, winding and narrow it is not safe for cars to go more than 30mph, and

WHEREAS, because of the steep conditions of the road and lack of posted speed limit, cars often go much faster than what is safe.

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of New Lebanon does hereby call on the New York State Department of Transportation to reduce the posted speed limit on Extension Road between Canaan Road and Churchill Road in New Lebanon, NY, to **20 mph and install a yield or stop sign at the intersection with Canaan Road.**

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: August 9, 2022
Marcie Robertson, Town Clerk
Town of New Lebanon

2 Resolution Requests from CSC – Support of NYS Climate Scoping Plan & Support of Environmental Bond Act:
Support of Environmental Bond Act:

TOWN OF NEW LEBANON

RESOLUTION #30, 2022

RESOLUTION SUPPORTING THE CLEAN WATER, CLEAN AIR, GREEN JOBS ENVIRONMENTAL BOND ACT OF 2022

AUGUST 9, 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 9th day of August 2022, the following Resolution was proposed and seconded:

Resolution by Supervisor Houghtling

Seconded by Councilmember Trainor

Resolution supporting the Clean Water, Clean Air, Green Jobs Environmental Bond Act of 2022

WHEREAS, providing clean drinking water and protecting our local rivers, bays, lakes, streams and waterfronts from pollution is paramount to quality of life in New York State and New Lebanon and

WHEREAS, modernizing water infrastructure will safeguard clean water, reduce flooding, reduce lead exposure and other public health threats, and create jobs; and

WHEREAS, New Lebanon is vulnerable to extreme weather including deadly heat from rising temperatures and flooding from severe storms that put people, properties and public assets across the County at risk; and

WHEREAS, upgrading transportation and storm water infrastructure, restoring natural resources, growing urban forests, building green roofs and upgrading cooling centers will reduce the impact of extreme weather, saving lives and money; and

WHEREAS, the COVID-19 pandemic demonstrated the importance of outdoor recreation and access to fresh, local food, as people flocked to local parks and sought out healthy foods for their families; and

WHEREAS, upgrades to facilities at state and local parks and preserves and the creation of new outdoor recreational areas will benefit our region by protecting wildlife habitat, providing more people access to nature, and creating jobs in the outdoor recreation economy; and

WHEREAS, the Clean Water, Clean Air, Green Jobs Environmental Bond Act of 2022 would authorize the four billion and two hundred million dollars of bonds to finance critical environmental restoration, clean water, and infrastructure projects across New York State; and

WHEREAS, the funds would be targeted towards protecting clean water, reducing flood risk, restoring natural resources, protecting open space and farmland, and reducing the pollution that causes climate change; and

WHEREAS, the Clean Water, Clean Air, Green Jobs Environmental Bond Act of 2022 was passed by the New York State Legislature as part of the 2022-23 New York State Budget and will appear on the November 8, 2022, New York State General Election Ballot for voter approval; and

WHEREAS, the Clean Water, Clean Air, Green Jobs Environmental Bond Act of 2022 includes strong labor provisions and will support more than 84,000 family-sustaining jobs for New Yorkers; and

WHEREAS, the Clean Water, Clean Air, Green Jobs Environmental Bond Act of 2022 would enable New York State and Columbia County to address pollution and public health threats in disadvantaged communities by directing at least 35% with a goal of 40% of the measure's funding to address hazardous conditions in such communities; now, therefore, be it

NOW THEREFORE BE IT RESOLVED, that the Town Board of New Lebanon supports passage of the Clean Water, Clean Air, Green Jobs Environmental Bond Act of 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: August 9, 2022

Marcie Robertson

New Lebanon Town Clerk

Support of NYS Climate Scoping Plan:

The Town Board held discussion on the specifics of this resolution in relation to heat pumps.

TOWN OF NEW LEBANON

RESOLUTION #31, 2022

**RESOLUTION DECLARING SUPPORT FOR THE NYS CLIMATE ACTION COUNCIL SCOPING PLAN
AUGUST 9, 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 9th day of August 2022, the following Resolution was proposed and seconded:

Resolution by Supervisor Houghtling

Seconded by Councilmember Buckenroth

Declaring Support for the New York State Climate Action Council Scoping Plan

WHEREAS, the Sixth Assessment of the International Panel on Climate Change (IPCC) finds that climate change is causing dangerous and widespread climate and environmental disruption affecting the health and welfare of billions of people throughout the world; and

WHEREAS, the IPCC Assessment concludes that rapid, deep and sustained reductions in global greenhouse gas emissions (GHG) must occur in this critical decade, to limit global warming to within 1.5°C and 2°C in this century; and

WHEREAS, the New York State legislature recognized the urgent need to reduce and eliminate GHG emissions in the atmosphere in passing the **2019 Climate Leadership and Community Protection Act** ("Climate Act") committing the State of New York to:

- reduce GHG emissions by 40 percent by 2030 below 1990 levels, and achieve net-zero emissions by 2050;

- meet 70 percent of electricity needs from renewable resources by 2030, and 100 percent of electricity needs from zero-emissions resources by 2040;
- ensure a just and equitable transition that leaves no one behind, and dedicate up to 40 percent of the benefits of clean energy investments to Disadvantaged Communities; and

WHEREAS, the New York State **Climate Action Council** has approved for public comment a **Draft Scoping Plan** to meet the State's climate and equity goals; and

WHEREAS, the Draft Scoping Plan calls for shifting to **energy-efficient electrification** in buildings and transportation as the primary solution to replace fossil-fuel combustion in these sectors, which together account for 60 percent of carbon emissions in the State of New York; and

WHEREAS, the Draft Scoping Plan calls for a **phase-down of emissions** from fossil fuel-fired electricity generation, while ensuring support and protections for impacted workers as they transition to clean energy jobs;

WHEREAS, the 2021 Jobs Study by the Just Transition Working Group for the NYS Climate Action Council estimates that meeting the climate goals of the State of New York will result in a **net gain of jobs** across the State of New York by 2030, alone, with a ratio of jobs gained to jobs displaced of 10 to 1; and

WHEREAS, the Draft Scoping Plan includes measures that would expand the development of renewable resources and battery storage, encourage "agrivoltaics," or the co-location of agricultural activities with solar and wind, and provide resources to communities to assist with **renewable siting and land-use planning**; and

WHEREAS, the Draft Scoping Plan recognizes the critical role that rural landscapes play, both natural and working lands, in sequestering carbon emissions and enabling the State of New York to achieve net-zero emissions, and the importance of agricultural land preservation, open space protection, support for farmers to improve soil health, and policies that expand afforestation and reforestation and incentivize and assist private landowners in implementing sustainable forest management practices; and

WHEREAS, the Integration Analysis for the Scoping Plan finds that meeting emissions reduction goals of the Climate Act is technically feasible and will have the additional and significant benefit of

improving public health by eliminating co-pollutants from fossil fuel combustion, resulting in an estimated \$50 to \$120 billion in health-related savings by 2050; and

WHEREAS, according to NYSERDA, over half of what New Yorkers currently spend on energy leaves the State of New York, mostly to purchase fossil fuels and our communities would be better served by keeping energy spending primarily within the **local economy**; now, therefore be it

RESOLVED, the Town of New Lebanon affirms the critical **importance of meeting the emissions and equity goals** of the Climate Act, which will help mitigate dangerous warming while delivering the additional benefits of improving public health, economic opportunities, agricultural land and open space protection, and quality of life for the people of the Town of New Lebanon; and, be it further

RESOLVED, the Town of New Lebanon declares its support for **prohibiting an expansion of fossil fuel infrastructure**, which contradicts the goals of the Climate Act, and for transitioning to efficient electricity-based solutions for buildings and transportation; and be it further

RESOLVED, the Town of New Lebanon supports the recommendations of the Draft Scoping Plan for **advanced building codes** that will improve the energy efficiency of new buildings, creating healthier living and work environments while reducing monthly energy costs; and be it further

RESOLVED, the Town of New Lebanon calls on the Climate Action Council to include in the Scoping Plan incentives and financing assistance to **help owners of existing buildings** improve energy efficiency and transition to zero-emissions equipment, ensuring cost parity with fossil systems; and, be it further

RESOLVED, the Town Clerk shall forward copies of this resolution to the Commissioner of the NYS Department of Environmental Conservation, President of NYSERDA, Chair of the NYS Public Service Commission, the NYS Climate Action Council, and Members of the State Senate and Assembly representing the Town of New Lebanon.

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: August 9, 2022

Marcie Robertson

New Lebanon Town Clerk

Summer Camp Request:

Supervisor Houghtling stated a parent expressed concern that the park is open to the public during summer camp, in speaking with the camp director, she shares this concern. She spoke with the attorney and we are not allowed to close the park to the public because it is a public park. We can, however, with a motion of the Town Board designate areas of the park as Summer Camp only during those hours of operation.

A motion was made by Supervisor Houghtling, seconded by Councilmember Trainor and approved unanimously to designate the pavilion, pavilion bathrooms, fenced in softball field and surrounding grassy area as a camp only area for the duration of Summer Camp on Monday through Friday from 8:00am to 4:00pm and have our Park Maintenance Superintendent install roping and signage indicating as such.

FOIL Appeal:

Supervisor Houghtling stated that this is the first time she has ever seen this, the Town Clerk's office received an appeal on a FOIL request. The Town Attorney reviewed it and read it as an appeal, which then comes to the Town Board. The attorney prepared a resolution for the Town Board to pass and a letter that would come from the Supervisor to the FOIL applier.

TOWN OF NEW LEBANON

RESOLUTION #32, 2022

DECISION ON FREEDOM OF INFORMATION LAW APPEAL (J. GRUNE, JULY 26, 2022)

AUGUST 9, 2022

At a regular meeting of the New Lebanon Town Board, held on the 9th day of August 2022, the following Resolution was proposed and seconded:

Resolution by Councilmember Buckenroth

Seconded by Councilmember Anthonisen

DECISION ON FREEDOM OF INFORMATION LAW APPEAL (J. GRUNE, JULY 26, 2022)

WHEREAS, Jeffrey Grune submitted a Freedom of Information Law Request dated May 31, 2022, a copy of which is attached hereto, and which was received in the Office of the Town Clerk on June 6, 2022; and

WHEREAS, on or about July 1, 2022, the Town Clerk sent approximately 650 pages in PDF format in response to Mr. Grune's FOIL request; and

WHEREAS, on August 1, 2022, the Office of the Town Clerk received correspondence from Mr. Grune, a copy of which is annexed hereto, in which he indicated that he did not receive a Trailer Park Operating License for 2019 (referring to a Mobile Home Park Annual License Renewal for 2019) or records relating thereto, and asserting that a reason for withholding the records has not been provided; and

WHEREAS, under local law, the Town Board is designated as the body designated to determine appeals regarding a denial of access to records under the Freedom of Information Law; and

WHEREAS, although Mr. Grune's August 1, 2022 letter does not indicate that he is formally appealing a denial of access of records under the Freedom of Information Law, the Town Board recognizes that Mr. Grune's August 1, 2022 letter questions whether certain records were improperly withheld, and further that a failure to treat Mr. Grune's August 1, 2022 letter as an appeal may result in prejudice to Mr. Grune in that otherwise any appeal under the Freedom of Information Law, which must be filed within 30 days of a response, may be time-barred, and accordingly, the Town Board intends to deem Mr. Grune's August 1, 2022 letter to be an appeal under the Freedom of Information Law; and

WHEREAS, the Town Board has considered the statements of Mr. Grune in his August 1, 2022 letter in support of his appeal; and

WHEREAS, the Zoning Enforcement Officer, Cissy Hernandez, has indicated that she compiled and prepared records from the files of the Building Department/Code Enforcement Office for production in response to Mr. Grune's May 31, 2022 FOIL request; and

WHEREAS, Zoning Enforcement Officer Hernandez, has indicated that, after diligent search, a Mobile Home Park Annual License Renewal for 2019 was not located and that a copy of a 2 Mobile Home Park Annual License Renewal for 2019 is not on file in the Building Department/Code Enforcement Office;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The recital clauses set forth above are expressly incorporated herein; and
2. Mr. Grune's August 1, 2022 letter is hereby deemed to be an appeal under the Freedom of Information Law from an alleged denial of access to records in response to Mr. Grune's May 31, 2022 Freedom of Information Law request; and
3. Mr. Grune's appeal is hereby decided as follows: All records that were located that were responsive to Mr. Grune's May 31, 2022 FOIL request have been provided. After a diligent search, a Mobile Home Park Annual License Renewal for 2019 was not located.

4. The Town Supervisor is hereby authorized and directed to transmit a letter to Mr. Grune, with a copy to the New York State Committee on Open Government, setting forth this decision, along with a copy of this Resolution, within the time set for decision on appeals under the Freedom of Information Law.

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

Roll Call Vote:

Councilmember John Trainor	Aye
Councilmember Deborah Gordon	Aye
Supervisor Tistrya Houghtling	Aye
Councilmember Marianna Anthonisen	Aye
Councilmember Britt Buckenroth	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: August 9, 2022

Marcie Robertson

Town Clerk

Town of New Lebanon

Policy Review – Investment Policy:

The Town Board had no amendments that they needed to make to the current policy.

A motion was made by Supervisor Houghtling, seconded by Councilmember Buckenroth and approved unanimously to mark the Investment Policy reviewed by the Town Board with no changes on 8/9/2022.

Recreation Commission Resignation:

Supervisor Houghtling stated they received a resignation from the Recreation Commission.

A motion was made by Supervisor Houghtling, seconded by Councilmember Trainor and approved unanimously to accept the resignation of Abigail Allard from the Recreation Commission and go out for letters of interest due to the Town Clerk’s office by Friday, September 9th, 2022 at 4:00pm.

NY Forward Grant:

Supervisor Houghtling stated she sent the Town Board a letter of intent that Bob Gilson and Monte Wasch drafted on the NY Forward Grant Funding that they just recently found out about. They took a training last Friday regarding new NYS funding available for downtown revitalization efforts that could be a great fit for New Lebanon, and in combination with the

NYMS grant we recently applied for. It is a lot of potential money; the minimum is \$2.5 million that can be used for a lot of different things. To date they have only submitted an intent to apply.

Bob Gilson stated that they only learned of this potential grant a week ago. This is all coming up very quickly and is all preliminary at this time. He pointed out that it is an 80/20 match grant.

Supervisor Houghtling stated that application is due by September 23rd, 2022. She feels that between now and the September board meeting they can work on this and Bob Gilson has offered to work on the grant application draft.

The Town Board and Bob Gilson held further discussion on this possible grant. There will be an informational meeting for the public on September 10th at 9:00am at the Town Hall.

A motion was made by Supervisor Houghtling, seconded by Councilmember Buckenroth and approved unanimously to authorize Bob Gilson to draft a grant application for the Town of New Lebanon for NY Forward and/or Downtown Revitalization initiative Grant Funding.

ANNOUNCEMENTS:

A motion was made by Supervisor Houghtling, seconded by Councilmember Trainor and approved unanimously to schedule a Special Town Board Meeting for September 6th, 2022 at 6:00pm to discuss ARPA and Fund Balance and ask the Town Clerk notice the Special Meeting.

SEPTEMBER:

Tuesday, September 6th, 2022 at 6:00pm- Special Meeting RE. ARPA Funds & Unallocated Fund Balance

Tuesday, September 13th, 2022 at 6:55pm- Public Hearing -Intro LL#5 of 2022

Tuesday, September 13th, 2022 at 7:00pm- Regular Monthly Meeting

PRIVILEGE OF THE FLOOR:

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

Mark Baumli: Mark commented on the last months meeting and the discussion regarding DOT requirements and their stance for the Route 20 “downtown” section relating to crosswalks, sidewalks, signals, turn lanes, etc.

Supervisor Houghtling responded that DOT has changed their minds about a crosswalk which was an important element. She stated that she has been talking about a walkable downtown and in the past, she was very vocally opposed to the sidewalk project from a few

years ago. She stated that she doesn't even know for sure what a walkable downtown might look like, it may not even be sidewalks. It could possibly be obtaining easements of the Rail Trail. She stated that there is such a focus in NY State on walkability and bike ability that they are now encouraging crosswalks in a downtown area.

Mark Baumli commented that the mention of Creighton Manning at the last meeting and the fact that DOT came back stating that they couldn't get rid of the turn lane on that section of Route 20 downtown. He suggested that before the board moves forward with any of it to make sure that DOT is telling the town they can eliminate that turn lane in the center of town.

Mark Baumli commented on the discussion of accessing the Rail Trail and that the trail is not owned by the state, it is owned by the residents of the Town of New Lebanon and he has been asking for years as to how many people have been approached for permission to go onto their land and of those asked how many have said yes and how many have said no. If you don't know if you have permission from these owners to go on their land, why discuss it.

Supervisor Houghtling responded that that is what they are talking about. She stated, at least from the park to the downtown, looking at the properties, they have created a map of who the parcel owners are and having preliminary conversations with those property owners. Supervisor Houghtling stated that part of the Comprehensive Plan talks about increasing alternative modes of transportation, specifically focused on biking and walking and has tasked the CSC at looking into that. It doesn't talk about the Corkscrew Rail Trail but it does talk about the railbed and that it is an asset and utilizing that. She stated that right now all of this is in the research phase, they are having discussions at this point.

Supervisor Houghtling stated that this is preliminary and there is no funding being talked about being spent at this time. She added that the ARPA survey did poll very high to spend ARPA funds on expanding the Rail Trail, so at this point they are looking to see a proposal of how they could successfully spend money to get access to the Rail Trail, she doesn't know the answer to that at this time.

Mark Baumli stated that in the discussion earlier on the park and the erosion along the stream and Councilmember Gordon having mentioned that she didn't think the stone and boulders would work there and he stated that he strongly disagrees with her. He stated that as a lifelong resident of this town, in the late 70's, early 80's the state came through and cleaned the Wyomanack from about the high school down to where it joins into the Kinderhook Creek and down by the bridge by the high school, there are boulders in there that were put in by the state that are holding to this day.

Mary Young commented that it was done after the big flood they had in 1970 and 1971.

Mary Young stated that our town paper is the Eastwick Press but the Columbia Paper is the County's paper and they expand on all of the topics that Supervisor Houghtling mentions from the County.

ADJOURNMENT:

A motion was made by Supervisor Houghtling, to adjourn the meeting at 10:31pm. 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

Respectfully submitted,

Marcie Robertson
New Lebanon Town Clerk

Addendum A

New Lebanon ARPA Fund Application Form for Local Businesses

This is a very short application.

It asks for basic information about your business, like its name and address. It asks for the amount of funds you're requesting. And it asks for a description of how you'll spend the funds as well as what problem spending the funds will help you solve or what goal spending the funds will help you achieve.

And that's about it!

But there are a few other things you should know. Here's a short list:

- (1) Please submit the completed application by email to townclerk@townofnewlebanon.com or by hand to the office of the Town Clerk at the New Lebanon Town Hall.
- (2) Applications will be accepted immediately, however no applications will be received after 10/7/2022. A committee will be sent applications as soon as they are received and will start reviewing the application. The committee will work directly with the business owner on refining the application to comply with the Town Board intent in distributing the funds. Please note, tax returns will only be viewed by the Town Board and Town Clerk and will be treated completely confidentially.
- (3) A group of two or more businesses may submit a single application for a shared purpose (For example, two or more farms might wish to purchase a shared piece of equipment).
- (4) The Town Board will approve applications for funding through a public vote. That means the funding decision will be public.
- (5) The Town Board will ask the following questions to evaluate all applications: What were the negative changes in your business income? How likely is it that the funds will meet the need? How sustainable will the impact of this funding be? How much support has been demonstrated support from New Lebanon residents and/or businesses for your application? The Town Board will assign a point value to each question for each application. The total points received will determine which applications receive funding.
- (6) The Board may require reporting on expenditures of funds granted under this program at regular intervals and may, at the Board's sole discretion, ask the Town

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Accountant to review business financial information at the expense of the owner/operator in the event of discrepancies.

Business Name _____

Address _____

Owner/Operator(s) _____

Phone _____

Email address _____

How did the Covid-19 Pandemic (2020 - Present) impact your business?

— Negative Changes in business income (attach tax returns for 2019, 2020 & 2021). Please note, no applications will be considered that do not show at least a 25% loss in annual net receipts in a year to year revenue comparison as of 12/31/2020 or 12/31/2021 in comparison to 2019 numbers.

— Reductions in staff (attach documentation)

— Mortgage payment or rent deferrals or defaults (attach invoices or correspondence)

— Any Other Impacts (Provide a statement of impact and documentation if available)

— Has your business received any other ARPA funds or other COVID-19 recovery or business assistance grant programs? If yes, total amount received: \$ _____

ARPA Funds Requested: \$ _____

Minimum Award = \$2,000. Maximum Award = \$20,000. Maximum total funding available through this program = \$100,000. Funding amounts will be based, in part, on how many qualified applications are received.

How will ARPA funds be used? What challenges does your business face and how will the requested funding meet them?

Please write more and attach additional sheets if you'd like!

Also, if your proposed use of funds falls into one of the following buckets, we need relevant details:

- If you're proposing construction, purchases or physical alterations due to deferred maintenance to your business, please attach a sketch plan and project description and associated costs.
- If you're proposing to hire, rehire, or retain workers, please include job description(s) and wage rate.
- If you're paying mortgage or rent obligations, please provide a statement from your mortgage provider or landlord.

