

**MINUTES OF THE REGULAR MONTHLY MEETING OF
THE TOWN BOARD OF THE TOWN OF NEW LEBANON
HELD ON AUGUST 8, 2023**

Present: Tistrya Houghtling, Supervisor
Norman Rasmussen, Councilmember
Marianna Anthonisen, Councilmember
Deborah Gordon, Councilmember
John Trainor, Councilmember

Recording Secretary: Marsha (Marcie) Robertson, Town Clerk

Others Present: Monte Wasch, Ethics, Planning, BEDC, & Shaker
Preservation Com. Member
Ted Salem, ZBA Member & ZRC Chair
Josh Young, Planning Board & QOL Member, Shaker
Preservation Com., & BEDC Chair
Sharon Powers, IT Website Support, BEDC & QOL Com.
Member
Steve Powers, CAC & ZRC Member & CSC Chair
Mary Young, NL Rep to CC Office for the Aging & Traffic
Safety
Peg Munves, CAC Co-Chair
Rae Gilson, BEDC Member
Donald Lamonaca, CAC & ZRC Member
Irene Hanna, Historic Railroad Depot Comm. Member
Joe Ogilvie, Recreation Commission & Historic Railroad
Depot Comm. Member
Fiona Lally, Historic Railroad Depot Comm. Member
Margaret Robertson, Historic Railroad Comm. Member
Jeannine Tonetti, ZBA Member & Historic Railroad Depot
Comm. Chair
Christine Dreyfus, MOW (6:43pm)
Attorney Jon Tingley, Town Attorney (Online)
Doug LaRocque, The Columbia Paper
Members of the Public

CALL TO ORDER:

The regular monthly meeting was called to order at 6:00pm 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, followed by the flag salute. The emergency exits were pointed out.

MINUTES:

The minutes of the **June 13, 2023 Regular Meeting, July 11, 2023 Special Meeting, and July 11, 2023 Regular Meeting** of the Town Board were reviewed. A motion was made by Supervisor Houghtling, seconded by Councilmember Trainor, and approved unanimously, to adopt the July 11th Special Meeting as typed and the June 13th and July 11th regular monthly meeting with small edits.

FINANCIAL:

Supervisor's Report:

The Supervisor's Report as of July 31, 2023 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 Rasmussen to accept the Supervisor's report for July as typed. The motion was seconded by Councilmember Anthonisen.

Roll Call Vote:

Councilmember Rasmussen -	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 spoke for the first POF.

BUDGET AMENDMENT #7 OF 2023:

Supervisor Houghtling stated they are brining in the \$20,000 Main Street Grant as a revenue and creating an expenditure line for the expenditures for the NY Main Street, which is \$22,000 because the town choose \$2,000 that is coming from contingency. They are pulling \$10,000 from the appropriated fund balance for the attorney .4 line. Due to the beaver dam break, they had to hire an engineer to do an assessment of the roads and bridges and make sure that they are safe, that was \$2,000 which is being brought in from contingency to the engineer .4 line. The Planning Board is shirting \$110 from their .4 to their .2 for a new chair.

General Fund:

\$ 20,000.00	from A-3920 (NY Main Street Grant)
\$ 4,000.00	from A-1990.4 (Contingency)
\$ 10,000.00	from A-003917 (Appropriated Fund Balance)
\$ 110.00	from A-8020.4 (Planning Board – Cont. Exp.)

\$ 22,000.00 to A-6410.41 (NY Main Street)
\$ 10,000.00 to A-1420.4 (Attorney – Cont. Exp. - Retainer)
\$ 2,000.00 to A-1440.4 (Engineer – Cont. Exp.)
\$ 110.00 to A-8020.2 (Planning Board – Equip.)

A motion was made by Supervisor Houghtling to approve the above noted budget amendment #7 of 2023 as typed. The motion was seconded by Councilmember Gordon.

Roll Call Vote:

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

AUDIT OF BILLS:

2023 Bills:

General Nos. 272 through 274, in the amount of \$1,860.90;
As listed on Abstract No. 7A dated August 8, 2023.

General Nos. 275 through 326, in the amount of \$121,378.09; and
Highway Nos. 102 through 117, in the amount of \$77,120.33; and
Escrow No. 10, in the amount of \$914.75; and
SF-1 LVPA No. 3, in the amount of \$38,325.50;
As listed on Abstract No. 8 dated August 8, 2023.

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

Roll Call Vote:

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

COMMITTEE/LIAISON REPORTS:

Supervisor Houghtling stated, committee reports as received to her office by Friday afternoon were sent out to the public and the Town Board. She asked if any board members had any questions or need for clarification on any of the committee reports?

Supervisor Houghtling asked the committee chairs that are present, do any of the committee have any further updates or action that is needed by the Town Board?

Peg Munves, CAC: Peg gave the following update:

WATER TESTING/DWSPP2

The CAC has completed the first part of the Town's 2023 water testing on the Rtes. 20/22 business corridor, and those results were included in the grant for the Wastewater feasibility study. The grant application was submitted at the end of July. Of 15 wells tested, results yielded a 50% positive rate for coliform, and 20% for ecoli. Peg stated she has received a lot of concerning emails, she does not want people to be overly worried about this. 40% is average in the state for coliform. The town is being proactive with this, the Source Water Plan is excellent. They have been looking at water for three years and will continue to do so.

Everyone has been contacted and are shocking their wells OR are already not drinking their water and have been aware for some time that their water is considered non-potable. We are exploring what is next for this area and are consulting with the NYSDOH team (the same folks who tested our water a few years ago for their pilot state-wide well testing program).

Supervisor Houghtling commented, she believes they allocated \$30,000 for water testing and that it ranked in the top five from the residents when they did the ARPA survey. They are getting the testing at a good rate. With the interest from residents in having their water tested, the Supervisor asked Peg if she thinks they will be able to still do their target areas with the money that has already been allocated? Peg responded, yes.

Peg addressed the uncapped landfill and the surrounding wells. Those wells did test positive for PFAS. There have two rounds of testing with all the down gradient wells, nothing has come up positive. The high school did test positive and that is a problem that the DOH and the DEC do not believe has anything to do with the landfill. They think the problem is endemic with the high school and they have put filtration in the high school.

Steve Powers, CSC: Steve reported, the CSC is requesting an MOU for \$2,500 for Michelle Parks that has been working with the CSC to achieve the silver level in the CSC program.

Supervisor Houghtling stated, for the record, the CSC has created a ton of revenue for the town that has been used to purchase solar panels and install heat pumps. This request of \$2,500 would be coming out of one of the smaller grants that can be used for this purpose.

A motion was made by Councilmember Trainor to authorize the Supervisor to enter into the MOU agreement with Michell Parks for a cost of \$2,500.00. The motion was seconded by Councilmember Gordon.

Roll Call Vote:

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

Steve Powers asked if Michelle must wait for the end of the 20 weeks to receive compensation? Supervisor Houghtling responded; no, she can submit invoices as they go because she set an hourly rate of \$25.00 per hour.

Steve reported that the New Lebanon Library has stated that they are allowing the library to be used as a cooling center for heat emergencies. The CSC has been working with the climate vulnerability study for the county to establish a center like this. The library cannot commit to extended hours, it will be on a case-by-case basis.

A motion was made by Supervisor Houghtling, seconded by Councilmember Anthonisen, and approved unanimously, to authorize the library as a cooling station during open library hours.

Mary Young, Traffic Safety: Mary updated her report previously given to the board. The work on Route 20, going east up the mountain will be starting two weeks earlier, on next Monday. Mary discussed leaving the speed limit sign where is currently is now because school will be starting soon and she would like to see if there is a significant change in the traffic patterns before school and after the start of school. Mary stated that she turned the sign on and it will not tell you if you are going above 45mph. The current data is showing that people are going faster traveling west than they are going east.

Mary reported that county highway is doing culvert work on County Route 9 north and south, to be prepared for detours through that area.

Supervisor Houghtling announced that Mary Young has been nominated for the Columbia County Senior Citizen of the year for 2023 for the Office of the Aging, hopefully she will be chosen.

OLD BUSINESS:

Moratorium Waiver Application:

Supervisor Houghtling announced that Attorney Jon Tingley is attending online to guide the board through a couple of agenda items.

Attorney Tingley gave a review for the history of the request for the waiver. The request for the waiver was received in April. The board referred the request to the Planning Board on May 15th. The Planning Board then had a period of sixty days to

return its recommendation to the board. On June 25th, 2023 the Planning Board Chair submitted a letter that outlined the Planning Board's recommendation. The letter was received by the Town Board at its meeting officially on July 11th. In the recommendation, it was a negative recommendation, recommending that the board not grant the waiver for a few reasons. One reason, the Planning Board determined that the request did not address the standards that were in the moratorium that were set forth for waiving application of the moratorium. Second reason, in addition of the application not containing that information, when the Planning Board discussed it with the applicant, the applicant failed to demonstrate those standards as well. The Planning Board also viewed the waiver as being in circumvention of the purpose of the moratorium, and finally the Planning Board viewed the site as potentially currently being in violation of its latest site plan approval, therefore requested that the waiver not be granted.

Attorney Tingley stated, if the Town Board were to grant the waiver, the Planning Board had a list of eight conditions or requirements that they request that the board impose. Once the Town Board received that recommendation, the time to schedule and hold a Public Hearing and decide the waiver application commenced on July 11th, the board moved promptly and scheduled the Public Hearing for this evening. It is Attorney's understanding that the Public Hearing has been held and closed. Now that the Public Hearing has been closed, the waiver application is right for decision. The Town Board has sixty days to decide the application. Attorney Tingley reminded the board what the standard is in the moratorium, it is up to the board's legislative discretion, but there are some guide posts. The applicant must demonstrate that it suffers extraordinary or unnecessary hardship imposed by the moratorium, and it must demonstrate that the waiver would not adversely affect the health, safety, and general welfare of the town and its residents. Attorney Tingley stated, a waiver of the application of the moratorium does not approve any project. All it does it states there is a moratorium in place that prohibits them from applying or having an application reviewed. If a waiver is granted, then that application, if submitted, can move forward in the ordinary course under the zoning law for site plan review or any other permits that may be needed. It is now up to the Town Board if they want to waive the application of the moratorium for that particular property or to not waive it.

Supervisor Houghtling stated, she feels like the applicant did not prove a negative economic hardship. She feels like there is a moratorium in place so they can work on the zoning and define what they want storage units to look like. She stated, they are introducing a local law tonight that extends that moratorium for another six months. She stated, she feels that the applicant can apply for the extension they are wishing to do when the moratorium expires, which is in either April or when they

adopt the new standards and the moratorium is lifted. She does not feel that the threshold was met that is required.

Councilmember Gordon stated, she agrees with Supervisor Houghtling.

Councilmember Rasmussen stated, that is fine.

Councilmember Trainor stated, same.

Councilmember Anthonisen stated, yep.

A motion was made by Supervisor Houghtling to deny the request made by JoJo's Dream, LLC for a waiver from Local Law No. 4 of 2022 for property located at 660 Route 20 on the basis that the requesting party has not established that it will suffer extraordinary or unnecessary hardship from the application of the moratorium or that its requested waiver would not adversely affect the health, safety and welfare of the Town and its residents. The motion was seconded by Councilmember Gordon.

Roll Call Vote:

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

Adoption of Introductory LL#2, 3, 4, and 5 of 2023:

Supervisor Houghtling noted that there was an introductory local law from 2022 that became an adopted law of 2023, therefore all these numbers, if adopted will move up one.

Supervisor Houghtling told Attorney Tingley there was a question regarding Introductory Local Law #3 regarding cannabis retail dispensaries. We define that such uses may not be located within 500ft. of the boundary of any town park or national or state historic site, but do not state that they may not be located within 500ft. of any school. If the board wants to add in that language, do they have to redo the public hearing or can they make that change and adopt it as amended?

Attorney Tingley responded, he does not think that is a substantive change because the state is going to have rules on separation distances from schools and other similar properties anyway, not less than 500ft.

Supervisor Houghtling told Attorney Tingley about the conversation during the Public Hearing regarding the state and the states requirements and how they are in flux right now. She asked the attorney if he sees any negatives to the town building in what they want, knowing that if the state is stricter, it will override what the town puts in place, and if the state is less strict, the town is allowed to be stricter?

Attorney Tingley responded; it is not that simple. He stated the town's authority in the realm of cannabis is very limited. Even the state does not have clarity on the scope of the town's authority. Through legislation, the state says the town's authority is limited to opting out of allowing cannabis retail dispensaries or cannabis on-site consumption facilities if it is done by a certain date and cannot regulate any other aspect, except to regulate the location, means, manner, and hours of operation of those facilities. There is some question of whether identifying a zone as a location is different than identifying a particular distance from certain properties. It is not clear of the town's authority on that. There is a severability clause in local law #3, if any section is unenforceable, it can be stricken without invalidating the rest of the local law.

The board discussed and agreed to add in wording to cover schools, house of worship, town park or national or state historic site.

Introductory LL#2:

Attorney Tingley explained Introductory LL#2 and how it relates to Introductory LL#3. He stated, in preparing LL#s 3, 4, and 5, he was informed there was a mistake made in 2020 in adopting a revised zoning map, that inadvertently changed the zoning along Old Route 20 on the eastern side, which had been zoned general commercial for a depth of 500ft. In 2020, the map was inadvertently changed in that area to show it as RA5. When that occurred, they questioned how to correct it. As part of introductory LL#3 or in a separate law. Attorney Tingley stated that Introductory LL#3 addresses several substantive areas; cannabis, solar, accessory dwelling units, compact homes, additional site plan review requirements, a substantial number of changes to the zoning in several areas that could be controversial. Attorney Tingley suggested doing the map change as a separate local law because it is a simple change. Introductory LL#2 fixes the zoning map to the way that it was right before the 2020 changes were made with respect to that parcel where those changes were not intended. Attorney Tingley stated, looking at Introductory Local Law no.3, that change is incorporated in that map, which is going to be adopted but it is also extended from 500ft to 1,000ft because the Planning Board recognized that the depth of the commercial districts was extended to 1,000ft in the 2020 amendment to the zoning map. As Attorney Tingley understood, it was the Zoning Re-write Committee's view, that it should be 1,000ft consistent with the other commercial districts, as shown on the zoning map.

A motion was made by Supervisor Houghtling to adopt the Part 2 and Part 3 of the EAF as prepared by the Attorney for the Town and to adopt a Negative Declaration under the State Environmental Quality Review Act in connection with the enactment of Introductory Local Law No. 2 of 2023. The motion was seconded by Councilmember Gordon.

Roll Call Vote:

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

A motion was made by Supervisor Houghtling to enact Introductory Local Law 2 of 2023 as Local Law No. 3 of 2023. The motion was seconded by Councilmember Trainor.

Roll Call Vote:

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

Introductory LL#3, LL#4, & LL#5:

Per Supervisor Houghtling, Local Law Nos. 3, 4, and 5 are all on the same SEQRA documents. Supervisor Houghtling stated, one of the reasons the town attorney made the explanation to the Town Board is due to the feedback that they received from both the Town and County Planning Boards had to do with the confusion between LL#2 and LL#3 and the map and zoning.

The SEQRA review on this one is more substantial than what the Board may be used to, given the number of substantive areas that are addressed. The attorney completed Part 2 of the Full EAF in draft to facilitate the review/completion and adoption of it by the Board. Based on that draft, the attorney also prepared a draft Part 3 with addendum that more explicitly reviews the proposed action and assess its potential environmental impacts.

A motion was made by Supervisor Houghtling to adopt the Part 2 and Part 3 of the Full EAF as prepared by the Attorney for the Town and to adopt a Negative Declaration under the State Environmental Quality Review Act in connection with the enactment of Introductory Local Laws Nos. 3, 4, and 5 of 2023 and to direct and authorize the Town Supervisor or her designee to satisfy the filing and

publication requirements in accordance with applicable regulations. The motion was seconded by Councilmember Gordon.

Roll Call Vote:

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

A motion was made by Supervisor Houghtling to enact Introductory Local Law No. 3 of 2023 as Local Law No. 4 of 2023, with the following change; Section 2, paragraph A with reference to Section 205 13, paragraph E, paragraph 17B, will read as follows: no cannabis retail dispensary or cannabis consumption facility shall be located within 500ft. of any school, any place of worship, or the boundary of any town park or national or state historic site. The motion was seconded by Councilmember Trainor.

Roll Call Vote:

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

A motion was made by Supervisor Houghtling to enact Introductory Local Law No. 4 of 2023 as Local Law No. 5 of 2023. The motion was seconded by Councilmember Trainor.

Roll Call Vote:

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

A motion was made by Supervisor Houghtling to enact Introductory Local Law No. 5 of 2023 as Local Law No. 6 of 2023. The motion was seconded by Councilmember Anthonisen.

Roll Call Vote:

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

Councilmember Anthonisen-

Aye

NEW BUSINESS:

FOIL Appeal:

Attorney Tingley briefly outlined the role of the Town Board for the FOIL appeal. Under the Public Officers Law, under FOIL, there is an initial determination on a FOIL request that is made by the Records Access Officer, the Town Clerk in New Lebanon. If a requesting party is dissatisfied with the response, they can appeal within 30 days of the response to the FOIL appeals officer, the Town Board in New Lebanon as designated by the Town Code. The appeal must be decided within 10 business days of receipt of the appeal request.

Attorney Tingley stated, in this case, a FOIL request was submitted by the requesting party on Saturday, July 22nd, 2023 and it was received by the Town Clerk presumably by that following Monday, July 24th, 2023. The Town Clerk indicated that the FOIL request was overlooked because it was received among other emails from the same party, and did not send out the required 5-day acknowledgement email in time. The 5th business day fell on July 31st, 2023. The Town Clerk did not recognize until August 1st, 2023 that she had not sent out the acknowledgement letter, possibly because the appeal was filed from the requesting party. On August 1st, 2023, the Town Clerk sent out an email acknowledging receipt of the FOIL request with an explanation of what had happened and indicating that she expected that a response would be ready by August 18th, 2023. Per Attorney Tingley, August 18th, 2023 is well within the 20-day period that is otherwise allowed under FOIL, as measured from the date of the receipt of the FOIL request, notwithstanding that she had recognized that she had received that. The attorney has prepared a draft resolution that essentially will deny the appeal, on the basis that it is premature and there has been no actual denial of records. The Town Clerk has indicated that she is going to respond to the FOIL request and has set a date that has not yet come and gone, and there has been no actual denial. The requesting party appealed on the basis that it was a constructive denial, under FOIL where a response is not received, it can be viewed as a constructive denial. The resolution will deny the appeal on the basis as being moot because the constructive denial is mooted out by the fact that the Town Clerk did provide the acknowledgment letter the following day.

Attorney Tingley stated, they have considered not only the requesting party's appeal email from July 31st, 2023 but also the two additional emails sent today. One in the morning with a series of attachments and one in the early afternoon revising that addendum to the appeal. All those things have been reviewed and considered and the attorney prepared a resolution for the board's consideration.

Supervisor Houghtling read the resolution into the record per Attorney Tingley's advice.

RESOLUTION #24, 2023

**DECISION ON FREEDOM OF INFORMATION LAW APPEAL (M. MUADIN, JULY 31, 2023)
AUGUST 8, 2023**

At a regular meeting of the New Lebanon Town Board, held on the 8th day of August 2023, the following Resolution was proposed and seconded:

Resolution by Councilmember Rasmussen
Seconded by Councilmember Trainor

DECISION ON FREEDOM OF INFORMATION LAW APPEAL (M. MUADIN, JULY 31, 2023)

WHEREAS, on the evening of Saturday, July 22, 2023, Michael Muadin submitted a Freedom of Information Law Request to the Town of New Lebanon Records Access Officer seeking 17 categories of documents and information relating to a certain flood event occurring on or about June 28 and/or 29, 2023; and

WHEREAS, in addition to such Freedom of Information Law Request, Mr. Muadin had also sent to the Town Clerk a copy of several similar requests that he made to the State of Massachusetts; and

WHEREAS, the Freedom of Information Law Request he made for Town of New Lebanon records on Saturday, July 22, 2023 was overlooked by the Town Records Access Officer because she had also received from Mr. Muadin a number of other emails relating to requests he was making to the State of Massachusetts; and

WHEREAS, on July 31, 2023, Mr. Muadin determined to take an appeal from what he viewed as a constructive denial of his request, given that he had not received a response from the Town Records Access Officer; and

WHEREAS, on August 1, 2023, the Town Records Access Officer recognized that among the various emails from Mr. Muadin, one had included the subject Freedom of Information Law request; and

WHEREAS, on August 1, 2023, the Town Records Access Officer sent correspondence to Mr. Muadin acknowledging receipt of the subject Freedom of Information Law Request, explaining that the request had initially been overlooked and providing the reason why it was overlooked, and providing a date of August 18, 2023 as the date by which Mr. Muadin could expect a response to the subject Freedom of Information Law Request; and

WHEREAS, notwithstanding the Town Records Access Officer's acknowledgment, Mr. Muadin has not withdrawn his appeal; and

WHEREAS, on August 1, 2023, the Town Records Access Officer forwarded Mr. Muadin's July 31, 2023 appeal email, along with her August 1, 2023 written acknowledgment of Mr. Muadin's Freedom of Information Law request, to the New York State Committee on Open Government; and

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

WHEREAS, under the Freedom of Information Law, the Town Board is required to decide FOIL appeals within 10 business days of receipt; and

WHEREAS, taking into consideration the written acknowledgment of the Town Records Access Officer provided to Mr. Muadin on August 1, 2023, including her notification that she expected to provide a response on or before August 18, 2023, and the fact that Mr. Muadin's Freedom of Information Law request was still being processed, a draft resolution was prepared for the Town Board's consideration at its August 8, 2023 meeting and was posted on the Town website to decide Mr. Muadin's FOIL appeal within the 10 business day time frame required under New York law; and

WHEREAS, on the morning of August 8, 2023, Mr. Muadin submitted an email to the New York State Committee on Open Government and the Town Board, submitting an addendum to his appeal, in which he attached 13 .pdf files; and

WHEREAS, such August 8, 2023 email addendum to his appeal, among other things, argued that it was improper for a draft resolution to decide Mr. Muadin's FOIL appeal to have been prepared for consideration by the Town Board at its August 8, 2023 meeting; confirmed that he was not withdrawing his appeal; and expressly acknowledged that his Freedom of Information Law request is still being processed; and

WHEREAS, in response to Mr. Muadin's August 8, 2023 email and attachments, the New York State Committee on Open Government responded as follows:

“For clarity sake, I would like to inform you that the Town of New Lebanon is under no statutory obligation to have a hearing regarding your Freedom of Information Law appeal. The Law requires that, within 10 business days of receipt of an appeal, the head or governing body of the agency or the individual designated by the head or governing body, must respond to your appeal. The Town's Code, Section 45-8 indicates that the FOIL appeal officer is the Town Board. The Town Board may also designate an individual, other than the records access officer, to respond to the appeal.

In my opinion, there is nothing which would prohibit the Town Supervisor from drafting a resolution relating to your appeal for consideration by the full board at an open meeting. I have reviewed Supervisor Houghtling's draft resolution and, in my opinion, the response is consistent with the Town's obligations under the statute”; and

WHEREAS, in the afternoon of August 8, 2023, Mr. Muadin submitted another email to the New York State Committee on Open Government and the Town Board, acknowledging the response from the New York State Committee on Open Government and submitting a revised addendum to his appeal; and

WHEREAS, the Town Board has considered the statements of Mr. Muadin in his July 31, 2023 email in support of his appeal, his first August 8, 2023 email with attachments, and his second August 8, 2023 email; and

WHEREAS, the Town Board has also considered the explanation of the Town Records Access Officer and the immediate acknowledgement the Town Records Access Officer sent upon recognizing the oversight; and

WHEREAS, the Town Board has also considered the written response of the New York State Committee on Open Government to Mr. Muadin's first August 8, 2023 email;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The recital clauses set forth above are expressly incorporated herein.
2. Mr. Muadin's appeal is hereby decided as follows: Although the Records Access Officer did not appear to provide a response within five business days, such failure to respond was clearly an oversight. The Records Access Officer did not purposely ignore the request. Rather, the request was overlooked because it was one in a series of other emails from the same individual, including copies of requests to a different government (the State of Massachusetts) for which the Town Records Access Officer bears no responsibility or authority to respond. Upon noticing the oversight, however, the Records Access Officer immediately acknowledged the request and indicated that she expected to provide a response by August 18, 2023, which in this Board's view is a reasonable period of time, particularly in light of the complexity and volume of the request. Despite that acknowledgment, Mr. Muadin has not withdrawn the appeal. Substantively, the Records Access Officer has not actually denied access to any records as of today, and simultaneously, any so-called constructive denial based on not providing an acknowledgment of the request is now moot in light of the acknowledgment actually sent on August 1, 2023. In fact, the Town Records Access Officer has indicated to Mr. Muadin that he can expect a response to his FOIL Request on or before August 18, 2023, and therefore, his FOIL Request is still being processed. Accordingly, the appeal of Mr. Muadin sent on July 31, 2023, as supplemented by his two August 8, 2023 addenda, is hereby denied in its entirety as both premature and moot.
3. The Town Supervisor is hereby authorized and directed to transmit a letter to Mr. Muadin, 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 Norman Rasmussen	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 8, 2023
Marcie Robertson, Town Clerk
Town of New Lebanon

OLD BUSINESS:

Community Center:

Supervisor Houghtling stated, the community wanted the town to spend ARPA funds on a community center. The Town Board voted on a draft ARPA budget that set aside \$41,500 to run a trial basis of a community center at the existing LVPA building. Originally, they were looking at possibly a two-year pilot program, but things have changed a bit. Councilmember Trainor and the Supervisor met with the LVPA board and the LVPA met with their whole membership last night and got approval to move ahead with drafting the agreement for their attorney to review.

The LVPA will be moving their trucks out as soon as the new truck bay at the new location is finished. Phase two of the new location is a new building in the back for their meetings, for the Legion, etc. that is not expected to be complete for at least a year. While the LVPA are still at the current location, they are discussing with the town, to come up with an agreement that will allow the town to run a community center three days a week, to include two weekdays and one Saturday. They are discussing splitting the operating expenses, utilities 50/50. The town will block out nine hours a week, three hours, three days a week that the town will use the building for a community center. During that time the town and the LVPA will split 50/50, all the consumables, all the utilities, etc.

Supervisor Houghtling stated, going by current figures, which will obviously increase as they use things more, they are looking at roughly \$28,000 for two years, roughly \$14,000 for one year out of the budgeted \$41,500 from ARPA funds. Supervisor Houghtling stated that because the costs are coming in lower than originally discussed, she would like the town to consider hiring the current Summer Camp Director. He is currently paid \$21.00 an hour. At nine hours a week, 52 weeks out of the year would be \$9,800. So, \$10,000 to have someone who is dedicated to run the community center as opposed to relying on volunteers.

Supervisor Houghtling stated that the proposal as it is now, states the LVPA will pay all the utilities, consumables, etc. and then on a monthly basis the LVPA would submit a voucher for reimbursement of half of the paid bills. There will also be a thirty-day out clause for either party. The board would re-visit the agreement three months prior to expiring to see if they want to extend the agreement, make any changes, or end the agreement. She stated, for a reasonably small amount of money, they can run the community center for one year, with the 3-day out clause to see

how well it does and how many residents will use the center.

Councilmember Trainor stated that the community center was very popular in the ARPA funds survey that was taken. He thinks that is an indication of some support for the center. He stated, he thought the discussion was very construction and the town is protected with the 30-day opt out clause. He likes the one-year trial instead of two years.

Supervisor Houghtling stated, when they polled the community, both herself and Councilmembers Anthonisen and Buckenroth all ran on the community center, it was one of their platforms to bring a community center to town. Supervisor Houghtling stated, as they were out talking to people, lots of people were really excited at the prospect of bringing a community center to town. Supervisor Houghtling drew a diagram of how the layout of the building would look, everything in the building would stay as it is except for the truck bay and the back, old ambulance bay. The LVPA would retain the office spaces, the town would not have access to those. The town would create the rec room in the current truck bays. She stated, they already have air hockey, foosball, and ping pong tables all donated. There will not be any building renovations because the town does not own the building. The old ambulance bay would become the Free Store, open during the community center hours with volunteers also willing to come outside of community center hours for Free Store visitors.

Supervisor Houghtling stated, Councilmember Gordon brought up a potential concern of a change of use of the building. Supervisor Houghtling stated, she received in writing from the town's CEO that nothing would be needed from the building department for zoning or code change. The building is classified as a public assembly building and they are up to date on all their safety inspections.

Councilmember Anthonisen asked if they should make a motion now to adopt hiring the Camp Director for the Community Center Coordinator?

Supervisor Houghtling responded, she thinks tonight, the board should make a motion to move forward with drafting an agreement that is approved by both the LVPA, the town, and both parties' attorneys.

Councilmember Gordon commented that she wonders why the town would take on a building that the LVPA has been trying to get out from under for decades because of its condition? Why would the Town Board think that it is a good choice for them? Councilmember Gordon mentioned that the town is also trying to beautify the business corridor, in her opinion, this seems like a poor choice of a building to preserve. She stated, many of the people involved in the Main Street activities that she knows, would love to see that building gone and replaced by a new building, new business that would add to the economic future of the town. Another concern of Councilmember Gordon is, if the town were writing a grant to build this community center, the first thing they would ask the town is, is there a documented need for

this building. She stated, she has had a hard time trying to elicit what the need is, in email communication this week, she has come to understand that two out of the three days that the center will be open will be after school hours during the week. Councilmember Gordon views it as an after-school program, the school district is already offering an after-school program, she questions why the town would want to conflict with the school program. She stated, she is still waiting to understand what the need is of the community center. Councilmember Gordon inquired as what services will be offered at the community center in addition to ping pong and games. The games will appeal to a certain part of the population, she wants to know what will be offered beyond that. Councilmember Gordon stated, that she does not understand why when they were doling out ARPA money, they insisted on the other potential start-up of a daycare center, the board insisted that they have a business plan before they considered giving them money, she is wondering why they are not demanding the same things of themselves.

Councilmember Rasmussen commented, he thinks Councilmember Gordon made perfectly legitimate points. He stated, his feelings are, tonight they are not talking about buying or preserving anything. They are discussing a twelve-month experiment to see if the residents of the town really want to use the community center. The town can do surveys and residents will say yes, they think it is a good idea but in the end what matters is if they show up and use it. Councilmember Rasmussen stated, he does not know of any way to get truly get the data they need other than offering it and finding out who shows up. In doing these things, these initiatives are almost always theoretically good ideas, very often are good ideas, but sometimes when you start implementing them you realize you might not be able to rely on people to monitor it or the teenagers only show up if it opens until 11:00pm, etc. He feels the question should be, is the town willing to spend \$24,000 to find out if the town wants to use the community center and if we know how to run it. The results may reveal that it is very popular and easy to run, or it is a good idea but the building is not ideal. Councilmember Rasmussen stated, he thinks it is worth spending \$24,000 to see if this is a project that the town should be willing to spend more money later or as much as it was believed to be a good idea, maybe it is not.

Supervisor Houghtling stated, in the budget the Town Board approved a while ago, there is money for crafts, maker space activities, and food for community meal nights. Regarding the programs offered, they are not looking to conflict with what the school is doing with their after-school programs, this would be supplementary. Supervisor Houghtling agreed with Councilmember Rasmussen, they are not discussing taking over a building that is not in good condition or the beauty of the building. The building will remain there as it is for the next year, they are just talking about adding to it is use on days that it is sitting there unused. Supervisor Houghtling thinks this is a great way to find out if there is a documented need by running a trail period.

Supervisor Houghtling reminded the board, in regards to the daycare center, it was a resident that did not currently run a daycare with no existing business. The

discussion was handing ARPA money to a resident to start a business, with no business plan.

Councilmember Anthonisen commented, the benefit besides being a pilot program, the last thing they want to do is invest in a new building that the town would have to pay everything to run the pilot program to gather data on the need. She stated, according to the ARPA survey, a community center surveyed very high and she feels they owe it to the people who filled out the survey to put the ARPA funds towards the pilot. Councilmember Anthonisen stated, the reason she mentioned the Summer Program Director was because he has all the qualifications and the screening to work with children that not all the volunteers have. She feels for safety, it is important to have someone who has been screened to work with kids.

Supervisor Houghtling stated, there is a Columbia County town that is in the process of finishing a community center and they invested around \$500,000 without any documented need or data other than talking with the community.

Councilmember Gordon commented, she thinks they only have part of the data. You will find out who will come as long it is no cost to them. Once you move onto the next step, for which she sees there has been no preparation for, there is discussion of potentially buying the building or another building. That will then be a financial commitment that the tax payers must eat or it is passed onto the people who use the community center. She wishes they had a chance to talk to Steve Muse, a guy who sits on the Planning Board and he was the head of the Planning Board in Delanson before moving here. In Delanson, there was a wealthy person who was persuaded to build a community center and give it to the town. They received this building and the town found that just the costs of running and maintaining it was more than they could afford. She stated, it was a brand-new building made expressly for the purpose of a community center. The town ended up selling or giving it to a YMCA because they could not afford to fund it. Councilmember Gordon stated, after this experiment is done, they will still not any idea about what phase two will look like and she feels that is where things get problematic.

Supervisor Houghtling responded, she feels that phase one would be a great phase even if they never move to phase two, to have a one-year opportunity for kids to have something to do at a very small expense. When they get to phase two, hopefully Councilmember Gordon will come and discuss her views on that. She would like to move forward with phase one.

A motion was made by Supervisor Houghtling, to draft a proposal for review by the Town Attorney and approval by the LVPA and bring it back to the Town Board at the September or October meeting for final revisions and hopefully approval. The motion was seconded by Councilmember Trainor.

Roll Call Vote:

Councilmember Rasmussen -

Aye

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

Highway Annual Bids – 2nd Time for Trucking – 8/9/23 – 7/31/24:

Supervisor Houghtling stated they had to go out to bid a second time for trucking, these bids will be good 8/9/23 through 7/31/24.

Town Clerk Robertson read the one bid received from J. Bergeron Trucking for the hauling of materials:

*Bid for hourly trucking for the Town of New Lebanon Highway Dept.
1987 Ford LTL 9000,
10-Wheeler Dump Truck,
400 caterpillar,
NYS overweight permitted,
\$1,000,000.00 Liability insurance coverage, and
Hourly trucking rate \$100.00*

A motion was made by Supervisor Houghtling, to approve the bid received from J. Bergeron Trucking for a timeline of 8/9/2023 through 7/31/2024 at a rate of \$100.00 per hour. The motion was seconded by Councilmember Rasmussen.

Roll Call Vote:

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

Update and Recommendation from Historic Railroad Depot Committee:

Jeannine Tonetti, Historic Railroad Depot Committee Chair gave the following update:

Report of the New Lebanon Historic Depot committee

August 2023

Resolution #26 for the Creation of the Historic Railroad Depot Committee:

The town formed a" committee to research different ways to obtain grant funding to protect, renovate and restore the depot station.....this committee with also be tasked at brainstorming different potential uses for the building once it is renovated/and or restored."

The RR Depot committee met with Supervisor Tistrya Houghtling in November 2022. Members are Joe Oglivie, Fiona Lally, Jeannine Tonetti and Irene Hanna. Meg Roberston and Kristin Robertson were appointed to the committee in April.

Irene and Jeannine traveled to Stuyvesant, NY restored RR station and met with Lee Jamison on December, 17, 2022. The RR station was renovated in 1990. It is owned by the town of Stuyvesant but managed by a committee appointed by the town. There is no formal written agreement with the town. Funds to renovate were from DOT grants, donations, Parks and Recreation grants and fundraising every year by the committee. They work with the Open Space Institute to manage the financial aspects. Lee said that the town ownership is mostly cooperative but with occasional issues about funds. An interview with Adrienne Larys of the Mountain Top HS which owns the now restored Kaaterskill train station: The station was donated to them and renovation funds were raised from the community. Further funds were from the State (dormitory authority). The MTHS has land that they make available for parking, at a fee, for those who use the trail to the Kaaterskill Falls and they use those funds for upkeep of the building. The Kaaterskill Rail Trail had already been established by NYS DEC. The Hunter Tail Trail Association purchased the section that ends at the Station. Grants used in these projects were from Parks and Recreation, Open Space Institute, DOT. Parks and Trails New York advocates for green space. Didi Barrett, NYS Assembly, is very supportive. Fiona contacted Andrea Furster, attorney who has been counsel to the Rails to Trails conservancy. Andrea then met with Supervisor Houghtling and our committee to gather information about our Depot and offer suggestions about managing it. She wrote a report discussing different aspects of ownership by the Town, the CRT or another non-profit. This report was sent to Supervisor Houghtling and Joe and Fiona presented it to the Corkscrew Rail Trail BOD. The CRT Board has told Fiona that they have the intention to continue ownership of the Depot, depending on reaching an agreement of cooperation with the Town. CRT would place the fund raising and management responsibilities with a subsidiary Depot Rebuild group. The CRTBOD is currently considering the particular points of a cooperative agreement with the town. Brainstorming uses of the Depot considered light commercial use like refreshments, bicycle rental for the rail trail, providing water, portable toilet, benches, a small informational museum about the history of the railroad, welcome center, event and meeting space and possibly using the property as a small town park. There were no conclusive ideas about what to do with adjacent Napa building. We expect that the CRT BOD will communicate to the Town in the near future about their specific points for the agreement of cooperation.

Supervisor Houghtling stated, at this point the Town Board will wait for the Corkscrew Rail Trail Board to present ideas of how they can collaborate with the town. Supervisor Houghtling thanked all on the committee for their hard work and research.

Joe Ogilvie stated, they have been bouncing ideas around. The issue for them is that summer is so busy, it is hard for them to meet.

Supervisor Houghtling thanked everyone involved again and mentioned an upcoming fundraiser, a concert at Tannery that will be announced at the POF.

Shaker Preservation Committee – 3 Letters of Interest Received:

Supervisor Houghtling reported, they received three letters of interest from Melba Kurman, Sharon Powers, and Rae Gilson. Josh Young corrected her by saying they

have received four letters of interest from Melba, Sharon, Winfried, and Rae's came in today, day of the meeting. Town Clerk Robertson verified that she has the same as Josh.

Josh Young stated that he did not mind that Rae's came in today, day of the meeting.

Supervisor Houghtling stated, that she knew Josh had asked for time to interview the others, did he want to wait on the appointment of Rae until he has had time to interview? Josh replied, no, they are okay with that. Josh stated, the committee has a separate request that the Town Board deem this committee full of members, they have plenty to work with.

A motion was made by Supervisor Houghtling, seconded by Councilmember Trainor, and approved unanimously to appoint Melba Kurman, Rae Gilson, Sharon Powers, and Winfried Fuchshofen and to cap the membership at fourteen members.

Ethics Board Appointment:

Supervisor Houghtling reported, there were no letters of interest received for the vacancy on the Ethics Board. It is important to have a full membership.

Monte Wasch, Ethics Board member commented, that as a current member, it is not an onerous responsibility. It is however, a responsibility that should not be taken lightly. The Ethics Board only meets when a complaint comes in, this year to date the committee has met a couple of times on two different issues. Monte stated, it does not require a monthly requirement but it does require a person of integrity and character. He urges anyone who can apply for the vacancy to do so, they really need to have a full board.

A motion was made by Supervisor Houghtling, seconded by Councilmember Trainor, and approved unanimously to go back out for letters of interest for the Ethics Board due by 4:00pm on Friday, September 8, 2023. With a Special Meeting to be held, if warranted at 5:30pm on September 12, 2023 before the Regular Town Board meeting.

Shaker Preservation Committee & ZRC Next Steps:

Supervisor Houghtling stated, they held their first public input session with a great turn out. Both committees asked for time to go back to their committees to discuss what was heard at the public input session. Supervisor Houghtling wanted to discuss the ZRC because they have been given a time sensitive task of the self-storage regulations. Supervisor Houghtling commented, she sees the Shaker Preservation Project as a longer project involving more public input sessions, and more work. She sees the storage unit conversation as something that could be finalized before year end. She does not want the SPC to stop working on the project, but she wants to allow the ZRC to focus on the storage unit.

Councilmember Anthonisen questioned, can they do both?

Supervisor Houghtling responded, the ZRC meets once a month.

Ted Salem, ZRC Chair responded, the ZRC meets quarterly now. They were meeting once a month but the Town Board directed not to give the ZRC anything until January of 2025. Their next meeting will be in September. Ted reported, there was a draft of the zoning standards that Elizabeth Brutsch, Planning Board Chair had done months ago. They are now circulating that and will continue to work on it. Ted stated, he has done research on artisanal manufacturing or fabrications. The ZRC is moving along but they are hoping to have a solid draft to on self-storage to look at in September and present to the board in hopefully October.

Supervisor Houghtling commented, it is not that they pause Shaker Preservation but to let the ZRC know that the self-storage is more time sensitive. If the current board wants to finalize the storage project that they have been working on, they would want to introduce a local law in November to adopt in December.

Councilmember Anthonisen stated, she thinks they are both equally time sensitive because she knows of certain businesses up there that this impacts their survival. She knows the storage units is important but the Shaker Preservation is important too.

Supervisor Houghtling stated, to clarify, she does not think it is time sensitive, she thinks it is a longer project, something that cannot be rushed. She heard clearly from the public at the first public input session is they want more public input sessions with more clarity. She does not feel that it is something that will be in local law format by November. It will be considered by a board that will be her, Anthonisen and three new board members. Supervisor Houghtling would like to finalize storage units by December and she does not think they should rush the Shaker Preservation, but continue working on it. The public has been very clear that they want more public input sessions, more clarification, and details.

Councilmember Anthonisen responded, she does not think it is limited in time frame. She thinks it can be done.

Josh Young commented, he thinks what is happening is that Ted is saying he does not want to do it.

Ted Salem responded, that is not true.

Councilmember Rasmussen stated, he agrees with what Supervisor Houghtling is saying. Because one project is longer than the other, they need to prioritize. When you prioritize it means they will work on something before they work on something

else, not exclusively. He stated, the board would like to resolve the storage unit moratorium by the end of the year if compatible with other jobs and so forth and yes, they would like to move as fast as they can with the Shaker Preservation, but they have no anticipation that there will be any changes proposed that they can put into the code by the end of the year. Get the storage out of the way, then they can focus on the Shaker Preservation. He thinks it is a reasonable way to approach it.

Josh Young commented, what if they can do it? The board has not asked them.

Supervisor Houghtling responded, it is not about them, the SPC.

Councilmember Rasmussen responded; they are not the ZRC.

Supervisor Houghtling stated, it is also about the public. She has heard from many community members that this is a big thing the board is looking to do. Not that the board should not do it, but this is a big giant change that has a lot of potential unintended consequences, and they need to make sure that it is being done correctly and hearing more from the public. It is a longer process and it is too important to be rushed.

Councilmember Rasmussen commented, there are people that have already decided this is wonderful and those that have decided it is a terrible thing, and those who are in the middle, like him. He thinks if there is a perception that the board is trying to jam it through because there are a limited number of interested parties, it may appear that there is more to it, even if there is not. That will increase the resistance.

Councilmember Anthonisen responded, she does not see they are jamming it through, she does not see slowing the process.

Councilmember Rasmussen commented, they are just prioritizing.

Councilmember Anthonisen responded, it is also slowing the process. She stated that there are businesses impacted that slowing that process could change whether they even have this on the table at all.

Councilmember Rasmussen responded; storage units are businesses.

Councilmember Anthonisen responded, she understands but it would be a moot point if that were to not succeed. She stated, they just accepted three new members to the SPC, they have meat and momentum. Why slow the process down.

Councilmember Rasmussen responded, there is no slowing it down. How many storage units are there in town?

Supervisor Houghtling responded, there are six.

Councilmember Rasmussen stated, there are six, there are more businesses affected by the storage unit decision than there are by the Shaker Preservation. He agrees with the Supervisor's decision to finalize storage and then move onto Shaker Preservation.

Councilmember Anthonisen stated, she is looking at the impact of one hundred employees, housing, the impact of a business that is a large representation of the town. She does not want to slow it down; she thinks the priorities are equal. She knows the storage units have been on the table for a long time, but she does not want to say they should put that first over the Shaker Preservation.

Supervisor Houghtling stated, she wants to go on the record very clearly to state, this should not be about one business. This is about Historic Preservation, it is not about business A or business B, because it is inappropriate for a government to zone or change based on one business. She wants to be very clear that this process is about Shaker Preservation and the potential zoning changes are to create revenue for either a current or a new owner. In her opinion, to rush something because one business owner is close to going out of business, would be inappropriate.

Councilmember Anthonisen stated, she is not using the word rush, she is saying do not slow it down. Do not deprioritize it.

Supervisor Houghtling stated, she is not saying slow it down. She is saying can the ZRC finalize storage while continuing to work on Shaker Preservation. When the SPC and ZRC are ready for the next public input session, to let the board know.

Councilmember Anthonisen stated, she is not using the word rush, she is using do not deprioritize.

Josh Young commented, the SPC really appreciates the board encouraging the ZRC to use whatever time it must work with the SPC on this issue. They can have all the great ideas in the world, but it is inevitably a zoning issue and they need to cooperate with their colleagues in the ZRC.

No motion was needed.

Walkable Downtown Next Steps:

Supervisor Houghtling stated, it sounds like grant funding is coming soon. The engineer sent a sample RFP that asks an engineer to prepare a grant application for the town at no cost, with the caveat that if the town gets the grant, they hire that engineer. It has not been announced, but it has been discussed that they can expect the next round of TAP funding to be announced by the end of August.

Councilmember Gordon asked what this grant would be for?

Supervisor Houghtling responded, the Walkable Downtown.

Councilmember Gordon responded; she knows but for what? What piece of it?

Supervisor Houghtling responded, it would be for the whole project, design, construction, etc.

Councilmember Gordon responded, of the sidewalks, the road changes, and things like that. She asked, have they decided on which solution they like the best?

Supervisor Houghtling responded, no. She stated, they would do that before they submit the grant. They did decide they want quotes on option 1 and option 2, and to eliminate option 3 based on the feedback that the board heard. She stated, they asked for different costs on the different materials, which they are still working on. She stated, before they submit a grant, that will all be decided. Instead of waiting to officially hire Creighton Manning to work on the grant with the town, they would issue the RFP now so they can officially hire them in September at no cost to the town. She hopes at the September meeting they will have some of the proposals and cost evaluations that the town can then work with Creighton Manning on. When the town submits the grant, the town will have what specifics are wanted for the project to be worked on.

A motion was made by Supervisor Houghtling, seconded by Councilmember Gordon, and approved unanimously to issue an RFP for engineering services for the Walkable Downtown grant application with proposals due to the town by September 8, 2023 at 4:00pm and a special meeting set for September 12, 2023 at 5:00pm if needed to interview engineering firms that submit proposals.

NEW BUSINESS:

Introductory LL#6 of 2023 – Storage Unit Moratorium Extension:

Supervisor Houghtling stated Introductory Local Law No.6 is to amend the moratorium on self-storage units for six-months to give the ZRC more time and the Town Board more time to adopt new standards.

A motion was made by Supervisor Houghtling to recognize the introduction of Introductory Local Law No. 6 of 2023. The motion was seconded by Councilmember Gordon.

Roll Call Vote:

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

A motion was made by Supervisor Houghtling to classify the enactment of Introductory Local Law No. 6 of 2023 as a Type II Action under the State Environmental Quality Review Act. The motion was seconded by Councilmember Trainor.

Roll Call Vote:

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

A motion was made by Councilmember Trainor to authorize the Supervisor to refer Introductory Local Law No. 6 of 2023 to the Columbia County Planning Board and to the Town Planning Board. The motion was seconded by Councilmember Gordon.

Roll Call Vote:

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

A motion was made by Supervisor Houghtling, seconded by Councilmember Trainor, and approved unanimously to schedule a public hearing on Introductory Local Law No. 6 of 2023 for September 12th, 2023, at 5:55p.m., to be held at Town of New Lebanon Town Hall and to authorize and direct the Town Clerk to publish and post notice thereof as required.

Health Insurance Renewal Plans:

Supervisor Houghtling reported that the cost of health insurance is increasing significantly. The renewal date is December 1st, 2023. There are currently three plans that are offered but nobody signed up for one of the plans offered. The two plans that are currently subscribed to are increasing by 14% and 15% if the town stays with the current plans. Supervisor Houghtling met with Whitney from Marshall & Sterling and she proposed a nice alternative with a 0% increase even with the town fully funding the HAS, which is what is currently done for the MVP plan. The deductible goes up but if the town funds it, it does not affect the employee. The town currently has a fully funded HAS, the town puts money into an account that covers all those medical bills, once the employee hits that deductible then it goes to a traditional co-pay plan. If the employee hits the deductible the co-pays will increase. The first \$2,500 if it is an individual plan, \$5,000 if it is a family plan, no co-pays, no deductibles it is funded by the town. Once the deductible has been

reached, then co-pays go to \$25, \$50, and \$500. Deductibles are currently at \$10, \$20, and \$200. If the board agrees with going forward with this new proposal, the Supervisor can draft everything for the next meeting for the town to approve. Supervisor Houghtling would like to have open enrollment in October.

Supervisor Houghtling stated, Delta Dental has no increase at all. There are no changes yet for vision coverage from Empire Insurance. Vision coverage is paid for in full by the employee.

Supervisor Houghtling stated, Whitney from Marshall & Sterling is willing to help employees to see if their current doctors of choice are covered under the new plan.

Evaluation Form & Process Updates:

Supervisor Houghtling stated, there are some changes needed that she and Councilmember Rasmussen discussed. Councilmember Rasmussen had a big part in drafting the original review process and compensation plan.

Councilmember Rasmussen stated, it was a bit of an eye opener. While he was involved with doing it the first time, he lost sight of the fact that from the training that they provided, which emphasized performance improvement, helping the employees do better, the policy that was approved was here is how much money they are willing to pay, how much their starting wage should be, and the performance improvement portion ended up at the bottom or off the page completely. He is suggesting that the board should revise the compensation policy to make sure it is a performance improvement and compensation policy to get the important thing first. Also, so they can take some of the items that are in the training process, that every employee got, so everyone heard it, but unfortunately when you focus too much on compensation, the performance evaluation can deteriorate into a game to see how much money they can get for their employee. That is not the objective. The objective is to help every employee do better for the sake of our residents. He is suggesting that the board should revise the policy to be sure the emphasis is there, the compensation will still be there, it will be at the end, where it should be as it is the consequence of helping employees to improve their performance.

Supervisor Houghtling commented, if everyone agrees, she will get Councilmember Rasmussen the word documents to work with. Supervisor Houghtling stated, when she and Councilmember Rasmussen had spoken, there was also some wording they wanted to add in about what happens if someone just give all 5's.

Councilmember Rasmussen responded, it is in the training, so it will be in the policy.

Supervisor Houghtling commented, it says not to do it, but it does not say that it will get kicked back. She thinks they need to expand that with a consequence of what will happen if someone does do that.

ANNOUNCEMENTS:

SEPTEMBER:

Tuesday, September 12th, 2023 at 5:00pm- Special Meeting (Engineering Firm Interviews)

Tuesday, September 12th, 2023 at 5:30pm- Special Meeting (Ethics Interviews)

Tuesday, September 12th, 2023 at 5:55pm- Public Hearing (Intro. LL#6 of 2023)

Tuesday, September 12th, 2023 at 6:00pm- Regular Monthly Meeting

Supervisor Houghtling mentioned the upcoming event on Sunday, August 20th, the Doug Banker Memorial Music in The Park.

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.

Margaret Robertson: Meg announced that on September 3rd at 2:00pm at the Tannery, the Depot Restoration Project will be presenting a program fundraiser event with classical music from very talented musicians. Tickets are \$30, and they have advertised all over Berkshire and Columbia counties. They are looking for volunteers to help the day of the event.

Elizabeth Kroboth: Liz asked the board if the Walkable Downtown Grant is 100% funding? Supervisor Houghtling responded, no, it is an 80/20 split. Liz asked where the 20% come from? Supervisor Houghtling responded, the town. Liz asked if there will be a public vote on that, how will that be determined? Supervisor Houghtling responded; it depends on the total cost of the project. If the town needs to go out to bond, it is subject to permissive referendum, which means if enough residents sign a petition it would go to a vote. If it is not to the amount that the town needs to bond it, if it can be fit into a town operating budget, then it would be a public hearing at the budget workshop. Supervisor Houghtling stated, she had a lot of residents asking why it is not being added to the November ballot? She stated, legally the town cannot do that, the Association of Towns said you are not allowed to go out to referendum unless it is required by a mandatory referendum or if it is subject to a permissive referendum and the residents submit a petition, then it can go out to a vote. Shy of those two things, the town is legally not allowed to go out to referendum. This project is not something that the town is allowed to go to vote to the public unless the town needs something, like a bond that then becomes subject to a permissive referendum, and only go out to vote if residents submit a petition.

Joe Ogilvie: Joe asked how many residents would need to sign the petition? Supervisor Houghtling responded; she thinks it is 5% of the number of voters from the last gubernatorial election.

Rae Gilson: Rae announced that the BEDC is hosting a Meet & Greet at the Roaring 20's on September 21, 2023 at 5:00pm.

Michael Muradin: Mr. Muradin stated, he wanted to close by thanking the Supervisor, the Town Board, and the Town Clerk for their hard work, dedication, and continued public service. Mr. Muradin stated, he is very grateful to live in a town like this, where everybody cares so much and is so deeply involved. It means a lot to him to be able to join the meeting.

Supervisor Houghtling reported, there were no emails for the second POF.

ADJOURNMENT:

A motion was made by Supervisor Houghtling, to adjourn the meeting at 8:10pm. The motion was seconded by Councilmember Trainor.

Roll Call Vote:

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

Respectfully submitted,

Marcie Robertson
New Lebanon Town Clerk