

**MINUTES OF THE REGULAR MONTHLY MEETING OF  
THE TOWN BOARD OF THE TOWN OF NEW LEBANON  
HELD ON MAY 14, 2024**

**Present:** Tistrya Houghtling, Supervisor  
Elizabeth Kroboth, Councilmember  
Steve Powers, Councilmember  
Craig Skerkis, Councilmember  
Susan Tipograph, Councilmember

**Recording Secretary:** Marsha (Marcie) Robertson, Town Clerk

**Others Present:** Josh Young, Planning Board & QOL Member, Shaker  
Preservation Com., & BEDC Chair  
Sharon Powers, IT Website Support, BEDC & QOL Com.  
Member  
Peg Munves, CAC Co-Chair  
Margaret Robertson, Historic Railroad Comm. Member  
Jim Carroll, Planning Board & ZRC Member (7:16pm)  
Samantha Long, PZ Clerk  
Rae Gilson, BEDC & Shaker Preservation  
Peter McCagg, Highway Superintendent (6:40pm)  
Abbie Shoobs, Recreation Commission Chair  
Joanne Amlaw, Recreation Commission Member  
Tammie Darcy, Tax Collector  
Robert Long, SYP Director  
Mary Young, NL Rep to CC Traffic Safety & CC Office for  
the Aging  
Erminia Rasmussen, Outreach & Marketing  
Norman Rasmussen, Deputy Supervisor  
Melba Kurman, Shaker Preservation & Quality of Life  
Committee  
Brendon Becker, Lamont Engineers, PC  
Members of the Public

**CALL TO ORDER:**

The regular monthly meeting was called to order at 6:01pm 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](https://townhallstreams.com/towns/new_lebanon_ny)

A moment of silence was held in memory of Wayne Martin, followed by the flag salute.

**MINUTES:**

The minutes of the **February 5, 2024, 2023 Annual Audit Meeting Continued**, and **February 21, 2024 Special Meeting – SEQRA Review Park** of the Town Board were reviewed.

A motion was made by Councilmember Tipograph, seconded by Councilmember Skerkis, and approved unanimously, to approve the two sets of minutes as typed.

**FINANCIAL:**

***Supervisor's Report:***

The Supervisor's Report as of April 30, 2024 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 Skerkis to accept the Supervisor's report for April as typed. The motion was seconded by Councilmember Tipograph.

Roll Call Vote:

Councilmember Powers -	Aye
Councilmember Kroboth -	Aye
Supervisor Houghtling -	Aye
Councilmember Tipograph -	Aye
Councilmember Skerkis -	Aye

Supervisor Houghtling pointed out emergency exits.

**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](mailto:supervisor@townofnewlebanon.com) during the meeting.

**Jim Carroll:** Jim spoke regarding the Compensation Policy, Personnel Policy, and health insurance incentives.

**Mr. Muadin: (Online)** Mr. Muadin spoke regarding telecommunications.

**Supervisor Houghtling read the following email POF:**

**Stacey Breads:** Stacey emailed regarding tennis court bathrooms being family bathrooms.

**CERTIFICATES OF APPRECIATION:**

Supervisor Houghtling presented Jeannine Tonetti with a certificate of appreciation for many years of service to the town.

**BUDGET AMENDMENT #5 OF 2024:**

**General Fund:**

\$ 800.00 from A-1990.4 (Contingent)  
\$ 90.00 to A-1010.4 (Town Board – Cont. Exp.)  
\$ 710.00 to A-1910.4 (Unallocated Insurance)

**Highway Fund:**

\$ 594.00 from DA-5140.4 (Brush & Weeds – Cont. Exp.)  
\$ 594.00 to DA-5140.2 (Brush & Weeds – Equip.)

A motion was made by Councilmember Tipograph to approve the above noted budget amendment #5 of 2024 as typed. The motion was seconded by Councilmember Powers.

Roll Call Vote:

Councilmember Powers - Aye  
Councilmember Kroboth - Aye  
Supervisor Houghtling - Aye  
Councilmember Tipograph - Aye  
Councilmember Skerkis - Aye

**AUDIT OF BILLS:**

**2024 Bills:**

General No. 166, in the amount of \$409.98:  
As listed on Abstract No. 4A dated May 14, 2024.

General Nos. 167 through 213, in the amount of \$69,447.22; and  
Highway Nos. 57 through 71, in the amount of \$20,806.96; and  
SF-1 LVPA No. 2, in the amount of \$57,075.50:  
As listed on Abstract No. 5 dated May 14, 2024.

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

Roll Call Vote:

Councilmember Powers - Aye  
Councilmember Kroboth - Aye  
Supervisor Houghtling - Aye  
Councilmember Tipograph - Aye  
Councilmember Skerkis - 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?

**Park Update:** Councilmember Skerkis reported, they are still working on getting the broken bleachers & table out of the park.

**Peg Munves - CAC:** Peg reported, the CAC is gradually moving away from caring for the plants in the park.

### **OLD BUSINESS:**

#### ***Feasibility Study:***

Josh Young gave a brief history of the project. The project started in the summer of 2022 when the BEDC and the CAC worked together to survey business and landowner's downtown. They were able to talk to 25 of them, 19 of them wanted a feasibility study on whether municipal wastewater could work in town. In the fall they wrote an RFP and sent it out receiving five responses and interviews were held. The committees recommended a firm to the town board who hired Lamont Engineers. Lamont assisted in writing a grant application to the state free of charge. This required the town to have a contract in place with Lamont to show readiness to perform the study if the grants were awarded. We were able to add a municipal water study at no additional cost. The town was awarded both grants. The committees reported back to the board two months ago. Since then, one of the grantor agencies gave an update of the town match if we want this study. If the town decides to move forward there are a few amendments that need to be made.

Supervisor Houghtling stated, the resolution gives authorization for all of those things for the Supervisor to enter into a new contract with Lamont to accept the grants to change the not to exceed amount.

Councilmember Skerkis asked how many dollars were awarded during these grants.

Brandon, Lamont Engineers responded, from the NYS Environmental Facilities Corp., the town received \$28,000 for a wastewater study. The Empire State Development Grant awarded a 50% match of the \$59,000.

Supervisor Houghtling clarified, the total project is \$59,000, and we are paying 10% in the amount of \$5,900 plus a \$250 application fee.

Councilmember Skerkis stated, he understand that the CAC and the BEDC have ARPA money that they are going to move over towards the \$5,900.

Peg Munves, CAC Co-Chair stated, she had planned on asking the Town Board to use \$3,000 in ARPA money that has already been given to the CAC for water study use in this project. Supervisor Houghtling replied, that is a future agenda item. This resolution stated that the town will not exceed \$5,900 and the Town Board can decide in the ARPA conversation money that has already been allocated for the CAC and BEDC.

**TOWN OF NEW LEBANON  
RESOLUTION #13, 2024  
RESOLUTION ACCEPTING TWO GRANTS FOR A FEASIBILITY STUDY  
MAY 14, 2024**

At the Regular Monthly Meeting of the New Lebanon Town Board, held at the New Lebanon Town Hall, 14755 NYS Route 22, New Lebanon, New York, duly called and held on the 14th day of May 2024, the following Resolution was proposed and seconded:

Resolution by Councilmember Tipograph

Seconded by Councilmember Powers

**GRANT ACCEPTANCE FOR A FEASIBILITY STUDY**

**WHEREAS**, the Town Board of the Town of New Lebanon is considering a project to review the feasibility of a Town of New Lebanon Municipal Utilities Project to review the needs for and feasibility of a municipal water and wastewater system to serve the Hamlet of New Lebanon and surrounding areas (herein referred to as “the Project”); and

**WHEREAS**, the Town of New Lebanon has been awarded grant funds from the New York State Empire State Development (NYSESD) in an amount not to exceed \$24,780 or 50% of the total project cost, whichever is lower, requiring a 10% cash match against the total project cost; and

**WHEREAS**, the Town of New Lebanon has been awarded grant funds from the New York State Environmental Facilities Corp. (NYSEFC) in an amount not to exceed \$28,000, requiring a 20% cash match against the \$28,000; and

**WHEREAS**, the Town of New Lebanon in June 2023 authorized the Supervisor to sign, and whereas the Supervisor did sign, an agreement with Lamont Engineers for a prior wastewater-focused version of this project; and

**WHEREAS**, Lamont Engineers has drafted an Agreement that would amend the June 2023 Agreement and by which Lamont Engineers would execute the Project with a total project cost of \$59,000;

**NOW, THEREFORE BE IT RESOLVED BY THE TOWN BOARD OF NEW LEBANON AS FOLLOWS:**

1. The Town of New Lebanon hereby accepts the NYSESD Grant in an amount not to exceed \$24,780; and
2. The Town of New Lebanon hereby agrees to pursue the Project with an anticipated project cost not to exceed \$59,000 and to contribute the 10% cash match as required by the NYSESD grant in the amount of \$5,900 plus the grant application fee of \$250; and
3. The Town of New Lebanon hereby accepts the Engineering Planning Grant from NYSEFC in the amount of \$28,000; and
4. The Town of New Lebanon hereby authorizes and appropriates a minimum 20% local match as required by the Engineering Planning Grant for the Project in the amount of \$5,600 based upon the award of \$28,000, with the source of the local match, and any amount in excess of the required match, being provided by in-kind services and co-funding from the above NYSESD grant; and
5. The Town of New Lebanon hereby authorizes the Supervisor to sign and execute all grant agreements and supporting documents and certifications; and
6. The Town of New Lebanon hereby authorizes the Supervisor to sign and execute the May 2024 Agreement with Lamont Engineers (amending the June 2023 Agreement with Lamont Engineers); and
7. The Town of New Lebanon hereby authorizes the Supervisor to sign and execute the Community Service Agreement with RCAP Solutions, which will support the Town, free of charge, in a Needs Assessment Survey to document the potential needs for a municipal water and wastewater system.

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

Roll Call Vote:

Councilmember Steve Powers	Aye
Councilmember Elizabeth Kroboth	Nay
Supervisor Tistrya Houghtling	Aye
Councilmember Susan Tipograph	Aye
Councilmember Craig Skerkis	Nay

The Resolution, having been approved by a majority vote of the Town Board, was declared duly adopted by the Supervisor of the Town of New Lebanon.

Dated: May 14, 2024  
Marcie Robertson

New Lebanon Town Clerk

**Summer Camp Health Director Appointment:**

Supervisor Houghtling, stated at the last meeting they had a letter of interest from Eileen Raab but did not know what kind of compensation she would be looking for. Supervisor Houghtling spoke to Eileen Raab and she is looking for her one child to attend camp in trade.

Supervisor Houghtling made a motion, seconded by Councilmember Skerkis, and approved unanimously to appoint Eileen Raab as the Summer Camp Health Director from now through December 31<sup>st</sup>, 2024 in exchange for her child attending the summer camp program free of charge.

**Tennis Court Bathrooms Renovation:**

Supervisor Houghtling stated, after the last meeting she asked Jeff Hattat to look at the roof to determine if it was any structural work that would require engineered specs, he determined that it would not. She continued, the board wants to do this project without an engineer and either Councilmember Skerkis or Kroboth are going to design the specifications to go out to bid that the engineer would usually do.

The board held discussion about what they are thinking of doing. Councilmember Skerkis stated, he and Councilmember Kroboth can work on the RFQ and bring it to the June meeting to go out to bid. Supervisor Houghtling revisited her request for the board to look into expanding the doorway for a wheelchair to fit in the door. At the last Playground Design Committee meeting, Supervisor Houghtling reported that Paul McCreay, Engineer offered to provide engineered specs for \$1 for the doorway expansion.

A motion was made by Supervisor Houghtling to authorize Paul McCreary for the cost of \$1.00 to create bid specs for the expansion of one of the doorways on the tennis court bathrooms to add into the bid specs as an addendum that Councilmembers Skerkis and Kroboth are creating. The motion was seconded by Councilmember Powers.

Roll Call Vote:

- Councilmember Powers - Aye
- Councilmember Kroboth - Aye
- Supervisor Houghtling - Aye
- Councilmember Tipograph - Aye
- Councilmember Skerkis - Aye

**Splash Pad Renovation Bids:**

Councilmember Kroboth stated, she is recusing from this discussion and left the room.

Supervisor Houghtling stated, the splash pad renovation bids were tabled at the last meeting. The bids came in high, the material itself was almost \$60,000 for the rubber matting. Supervisor Houghtling reached out to Paul McCreary, Engineer to see if they can use a different material to bring down the cost. Paul informed her because it has to meet current ADA requirements, that is the padding that is required, no cheaper option. The only thing that can be removed is the parking space, which still puts the project at close to \$100,000. Supervisor Houghtling stated, she spoke to Joe Darcy, Darcy Construction and instead of denying the bid he is hoping that the town would just table it and keep the bid open. That way if down the road the town can reconsider the project his bid is still there and the town can contact him to see if his bid is still valid.

A motion was made by Supervisor Houghtling, seconded by Councilmember Tipograph, and approved unanimously with the exception of Councilmember Kroboth who has recused, and Councilmember Skerkis who voted opposed to continue to table the splash pad bids.

Councilmember Kroboth returned to the room and the meeting.

***NYSLRS Annual Resolution:***

**TOWN OF NEW LEBANON**

**RESOLUTION #14, 2024**

**STANDARD WORK DAY AND REPORTING RESOLUTION FOR 2024**

May 14, 2024

At the regular monthly meeting of the New Lebanon Town Board, held at the New Lebanon Town Hall, 14755 Route 22, New Lebanon, New York, duly called and held on the 14<sup>th</sup> day of May 2024, the following Resolution was put forth for enactment:

Proposed by Supervisor Houghtling

Seconded by Councilmember Tipograph

**Standard Work Day and Reporting Resolution for 2024**

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



Title	Name	Standard Work Day (Hrs/day)	Term Begins/Ends	Participates in Employer's Time Keeping System (Y/N)	Days/Month (based on Record of Activities)	Not Submitted
<b>Elected Officials</b>						
Highway Superintendent	Peter McCagg	6	1/1/2024 – 12/31/2027	No	40.46	
Town Supervisor	Tistrya Houghtling	6	1/1/2022-12/31/2025	No	26.84	
Town Clerk	Marsha Robertson	6	1/1/2024-12/31/2027	No	27.00	
Town Justice	Jessica Byrne	6	1/1/2022-12/31/2025	No		**ROA not yet submitted
Tax Collector	Tamara Darcy	6	1/1/2024-12/31/2027	No	3.46	
<b>Appointed Officials</b>						
Assessor	Kimberly Smith	6	10/1/2019-9/30/2026	No	10.027	
Dog Control Officer	Maggie Banker	6	1/1/2024-12/31/2024	No	0.857	
Park Manager	Charley Sears	6	1/1/2024-12/31/2024	No		

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

Roll Call Vote:

Councilmember Steve Powers	Aye
Councilmember Elizabeth Kroboth	Aye
Supervisor Tistrya Houghtling	Aye
Councilmember Susan Tipograph	Aye
Councilmember Craig Skerkis	Aye

The Resolution, having been approved by a majority vote of the Town Board, was declared duly adopted by the Supervisor of the Town of New Lebanon.

Dated: May 14, 2024  
 Marcie Robertson  
 Town Clerk  
 Town of New Lebanon

***Landfill Closure Funding & Next Steps:***

Councilmember Powers gave an update and summary of the timeline.

Supervisor Houghtling stated, the town is required to close the landfill and the responsibility falls solely on the town and DEC could be fining the town if they wanted to. She stated, originally we got \$2mil and the \$1.6mil with a 3% increase brought us to about \$2.25mil but we will not know that for sure until we got out to bid. Supervisor Houghtling stated, at the press release when asked once we have the exact numbers, who's going to pay the difference, she responded the town will have to figure it out. Speaker Heastie who was present spoke up and said that they will cover it, to let them know what the amount is.

Supervisor Houghtling commented, the negative to this is it put a rush on the process of getting to bids and an exact number. They have met with Barton & Loguidice who did the closure report and they met with another engineer who determined that since Barton & Loguidice is so familiar with the landfill, it makes sense to hire them to do the next step of creating the full bid documents which has to be approved by DEC.

Supervisor Houghtling stated, the state would like the town to own the parcel. For the compliance of closing it, the 30+ years of monitoring, the easiest legal avenue is for the town to take ownership, not of the whole parcel, just the piece the landfill is on. The owner of the property and his attorney are open to discussing it with the town. The town's attorney cannot represent us in this because he represents Troy Sand & Gravel who has a mining pit with stipulations on it having to do with the landfill. We have received two proposals from environmental attorneys, received today.

Supervisor Houghtling reported, they received the proposal from Barton & Loguidice to do the full scope bid specs in the amount of \$345,100.00. She stated, they had received a commitment from both Assembly Member Barrett and Senator Hinchey's office that the engineering fees are part of the reimbursement. Supervisor Houghtling understands that the board may not be comfortable moving forward with the lawyers because they just got the information. She does not think it can wait another month because one of the stipulations of the funding is the town owning the property and that can take months. She is proposing moving forward, Barton & Loguidice stated they could provide bid documents within a month. Supervisor Houghtling and Councilmember Powers met with DEC who needs to approve the bid documents which can take four to six months. The town's DEC representative stated that they would meet with the engineers while they are preparing the bid

documents to make sure that it meets all of the specs and they will expedite the review once they get it.

Supervisor Houghtling stated that Attorney Tingley recommended both of the attorneys that submitted proposals. One is \$125.00 an hour less and Supervisor Houghtling feels comfortable moving forward with that one.

Councilmember Skerkis stated, he feels this is being rushed and he needs to understand more about all of this before he is comfortable moving forward. He stated, this is an enormous undertaking and the board can take thirty days to look it all over. Councilmember Skerkis stated, he a great discussion with Tony Murad who is very involved and understands the landfill situation. He commented, the idea that the board gets a report from the Supervisor and that is the gospel and he does not agree with that.

Councilmember Skerkis stated, the landfill has been closed for approximately forty years, the CAC has been doing water testing and there are high levels around the landfill. He stated, it is already stable and what could happen if the town goes in and disrupts the landfill. He would like to slow down a bit and take a deeper look at the whole thing without rushing. Councilmember Skerkis would like to know more about what the effects of capping the landfill could be on the ground down below.

Councilmember Powers responded, capping the landfill will prevent the rain from going into it and leaching out. There are still PFAS chemicals in there, which is not going away. The point is to prevent that from coming out and that is what the cap does.

Councilmember Skerkis commented that the landfill is already capped by the natural vegetation. To do this manmade cap, they have to remove all of the natural vegetation. The wells around the landfill that have been tested have come back fine with the exception with right there at the site. His concern is that by removing the natural vegetation could they be creating a problem that does not exist. He is asking to slow down and give him time to look deeper into this.

Councilmember Powers responded, they could wait another month but the funding deadlines are very time sensitive. Supervisor Houghtling stated, as things are currently if they move forward tonight with this step, she is estimating it will be September before that have hard numbers and the legislature did not like September. She stated, if the town does nothing, they will lose \$2Mil plus from NYS, DEC will start fining the town immediately, and the town still has to close the landfill. There is no option of not closing the landfill. They have been ordered to close it, the funding is there now, and that is what makes this a time sensitive thing.

Councilmember Skerkis, stated when he discussed this with Tony Murad he said \$2Mil will not cover this, it will be a \$10Mil project when it is all done.

Councilmember Kroboth stated, they have a \$2Mil commitment, and a commitment that will pick up the difference, do they have all of that in writing? Is there a cap on the difference?

Supervisor Houghtling responded, they do not have anything in writing until the town gets them a number. Assembly Member Barret's office stated that the town needs to provide an amount so that they can put that amount in the grant. The money is in the budget, it is lined out in Assembly and Senate budget for the New Lebanon Landfill Closure, each for \$1Mil. The excess, the town has the speaker's word and continual meetings with the Assembly person that says, yes, get them the numbers. Supervisor Houghtling stated, she does not know if there is a cap to that excess. She does know that the town has to pay to close it no matter what it costs, there is no option not to close the landfill.

Councilmember Skerkis commented, he hears what the Supervisor is saying but he disagrees with her.

A motion was made by Councilmember Tipograph to accept the proposal from Barton & Loguidice for the amount of \$345,100.00, and authorizing the Supervisor to sign the agreement. The motion was seconded by Supervisor Houghtling.

Roll Call Vote:

Councilmember Powers -	Aye
Councilmember Kroboth -	Aye
Supervisor Houghtling -	Aye
Councilmember Tipograph -	Aye
Councilmember Skerkis -	Nay

Supervisor Houghtling stated, she is not comfortable waiting another month on the lawyer. The board held some discussion on the attorney quotes and Councilmember Tipograph offered her opinions on the two firms and she feels it is best to go with the less expensive firm.

Supervisor Houghtling reported, she found out in today's meeting, the assembly members funding will not cover legal fees. The Senate funding they are not sure about yet, there is a possibility that the legal fees the town incurs are not reimbursable.

Councilmember Skerkis stated, it is things like that that give him pause. He does not think they are getting the full picture. He asked the Supervisor when they got the confirmation that the town was going to receive the \$2Mil in grant money. Councilmember Powers responded that it was April 25th, 2024. Councilmember

Skerkis pointed out it has been less than thirty days and feels they should wait a month to look deeper into this.  
Supervisor Houghtling replied, that they heard him, he was out voted and allowed to have his differing opinion.

A motion was made by Councilmember Tipograph to authorize the Supervisor to sign the retainer agreement with Whiteman, Osterman, & Hanna, an Albany based law firm. The motion was seconded by Councilmember Powers.

Roll Call Vote:  
Councilmember Powers - Aye  
Councilmember Kroboth - Aye  
Supervisor Houghtling - Aye  
Councilmember Tipograph - Aye  
Councilmember Skerkis - Nay

***Skatepark Update:***

Supervisor Houghtling gave an update on the status of the skate park. Jesse had an issue with his equipment that he had to have repaired. Supervisor Houghtling stated, she spoke to Joe Darcy and he is going to contact Jesse to offer his equipment and crew to help with the skate park.

Supervisor Houghtling reported that our prior insurance carrier back when this project first got started did not require any additional coverage for the skatepark. Per our insurance agent, our new carrier requires additional coverage for the liability and equipment at an estimated additional cost of \$650.00 per year.

A motion was made by Councilmember Powers to authorize adding insurance coverage to cover liability and equipment of the skate park not to exceed \$650.00 a year in additional premium. The motion was seconded by Councilmember Skerkis.

Councilmember Kroboth suggested, asking our insurance agent if the carrier can send out a risk control specialist to look at the skate park before it is officially opened since it is being assembled by volunteers.

Roll Call Vote:  
Councilmember Powers - Aye  
Councilmember Kroboth - Aye  
Supervisor Houghtling - Aye  
Councilmember Tipograph - Aye  
Councilmember Skerkis - Aye

**NEW BUSINESS:**

***Policy Review – Social Media Use Policy, Firearms & Dangerous Weapons Policy, and Personnel Policy:***

***Social Media Use Policy:***

Supervisor Houghtling stated, she recalls that at the February meeting Councilmember Skerkis had concerns with two sections in the policy. She realized that she was not sure what exactly those concerns were and before spending money with the town attorney for any revisions she wanted to clarify what they are and if the majority of the board wants those changes made.

Supervisor Houghtling referred to section C., 1, b. *“Town personnel shall not post, transmit, or otherwise disseminate any information to which they have access as a result of their employment without the expressed authorization of the Town Supervisor or his/her designee. Municipal policies such as work place violence and harassment apply to all postings in addition to any HIPPA regulations, collective bargaining and confidentially requirements”.*

Supervisor Houghtling asked Councilmember Skerkis if he was requesting to remove this section. Councilmember Skerkis replied, that he will have a hard time asking permission from the Supervisor to post on social media, he is an American and has freedom of speech. He stated, there are other laws that govern that section of the policy, executive session cannot be spoken of. He feels that this is unnecessary and overreaching. Supervisor Houghtling responded, to be clear, this is speaking about executive session or confidential emails, it is information gained only by being a board member.

Councilmember Tipograph commented, she is assuming that when the attorney wrote this policy, he wrote it consistent with what the law is. If there are specific objections she would like an opportunity to look at them. Councilmember Skerkis, replied, this is not urgent that it can be tabled.

***Firearms & Dangerous Weapons Policy, and Personnel Policy:***

Supervisor Houghtling stated, at the last meeting they discussed this policy and possible changes to be made. The attorney provided new wording in the Firearms & Dangerous Weapons Policy that addressed Councilmember Kroboth's concerns. Supervisor Houghtling went over all of the previously discussed changes to be made to the purchasing section of the Personnel Policy, the board and Highway Superintendent McCagg were all in agreement.

At the regular monthly meeting of the New Lebanon Town Board, held at the New Lebanon Town Hall, 14755 NYS Route 22, New Lebanon, New York, duly called and held on the 14th day of May 2024, the following Resolution was proposed and seconded:

Resolution by Supervisor Houghtling  
Seconded by Councilmember Tipograph

## **PERSONNEL POLICIES**

**[HISTORY: Adopted 12-13-2004; amended 2-14-2011, 9-13-2016, 11-13-2018, 1-1-2021, 2-9-2021, 10-12-2021, 5-10-2022, 6-14-2022, 12-28-2023 & 5-14-2024]**

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### ***Purpose; applicability. [Amended 12-28-2023]***

This description of employee benefits is presented to all Town employees of the Town of New Lebanon (the "Town") for informational purposes only. This description is not intended to be comprehensive or to address all the possible applications of, or exceptions to, the Town's general policies and procedures governing employee benefits. The Town reserves the right to modify, revoke, suspend, or discontinue any of the procedures, practices, policies, and benefits described herein. Moreover, the language used in this description of employee benefits does not confer any contractual right, either expressed or implied, to remain in the Town's employ or guarantee any fixed terms and conditions of employment. Finally, some of the benefits described herein are covered in more detail in Town policies and procedures or written insurance policies and/or plan documents. This description of employee benefits is only designed as a brief guide and summary of policies and benefits. To the extent that any policy herein is in conflict with any applicable Collective Bargaining Agreement ("CBA"), the CBA will control as it is related to the bargaining unit.

### ***Equal employment opportunity policy. [Amended 12-28-2023]***

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

### ***Americans With Disabilities policy statement.***

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

### ***Civil service; part-time employment.***

Pursuant to the Columbia County Civil Service Commission's Rules, positions within

the Town are classified as exempt, noncompetitive, competitive, labor, or unclassified. For purposes of applying civil service rules only, part-time employment is considered employment where an individual works less than 20 hours per week.

***Work schedule. [Amended 6-14-2022 & Amended 12-28-2023]***

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

**Lunches & Break times**

- By law Town employees working more than 6 hours are required to take a minimum of an unpaid 30-minute and may take up to a one hour unpaid lunch. Employees working less than 6 hours a day are not required to take lunch.
- **EXCEPTIONS:** If there is only one person in an office and said office is open to the public, you may be required to be available during your lunch break, if so, you will be paid for the 30-minute lunch. In such instances, the Town will work with the employee to provide a minimum break of at least 20 minutes uninterrupted.
- Lunch break **MUST** be taken between the hours of 11am-2pm by law. Employees should work with their direct supervisor to establish a regular lunch schedule that addresses the operational needs of the department. Lunch breaks may not be taken at the start or the end of an employee shift.
- The Town also provides Employees with a 15-minute paid break for each 4-hour worked. This 15-minute break can be broken up into three 5 minutes breaks (i.e. personal phone calls, smoke breaks, etc.). Personal business should NOT exceed the 15-minute break throughout the 4-hour period, nor should the two 15-minute breaks for 8 hours of work be combined into a single 30-minute break.
- As the 15-minute break is paid, employees are expected to remain on town property during their breaks. If you are leaving Town property for non-work-related business, you must clock out and will NOT be paid for that break.

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

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

- A. Full-time: Employees who are not assigned temporary employment and who are regularly scheduled to work a minimum of 35 hours per week or more on an indefinite, continuing basis. Employees who hold multiple positions within the Town and work a total of more than 35 hours per week among the multiple positions will be considered full-time employees. Full-time employees are eligible for all benefits described herein, unless provided otherwise.
- B. Part-time eligible: Employees who are not assigned temporary employment and who are regularly scheduled to work at least 20 hours per week and less than 35 hours per week on an indefinite, continuing basis. A part-time employee is eligible for limited benefits as described herein, or to the extent required by provision of state and federal



laws.

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

***Probationary period. [Amended 12-28-2023]***

Generally, pursuant to the Columbia County Civil Service Commission's Rules, every permanent appointment from an open competitive list and every original appointment to a position in the noncompetitive, exempt, or labor class shall be for a probationary term of 26 weeks; the Department may extend the probationary period to a maximum of 52 weeks upon written notice to the employee prior to the expiration of the 26 weeks. However, an employee returning to the Town in the same position within 1 year, who has already successfully completed the probationary period is not required to serve another probationary term. The probationary term for promotion shall be 26 weeks. During the probationary period, the employee will have the opportunity to evaluate his or her new position and the employee's supervisor will evaluate the employee's performance and suitability for the position.

**Definitions.**

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

**ANNIVERSARY YEAR**

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

**CALENDAR YEAR**

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

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

**[Amended 9-13-2016, 2-9-2021, 5-10-2022 & Amended 12-28-2023]**

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

overtime and will make every effort to provide employees with adequate notice. Any overtime hours worked, however, must first be approved by the employee's supervisor.

***Ethics and conflicts of interest.***

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

***Employee conduct; discipline and discharge.***

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

**Leave policies. [Amended 5-10-2022 & Amended 12-28-2023]**

A. Bereavement leave:

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

(a) 5 days for the death of a spouse or child;

(b) 4 days for the death of a sibling or parent;

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

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

2) All Employees shall be entitled to a maximum of 10 days leave for bereavement

purposes (if the Employee has unused sick or vacation time, it can be used to extend the aforementioned days of paid leave set forth in sub-paragraph 1).

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

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

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

B. Holidays:

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

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

- (2) In the event that a recognized holiday falls on a Saturday, it will be observed on the preceding Friday, and a recognized holiday that falls on a Sunday will be observed on the following Monday. Part-time eligible employees do not receive paid holidays. Part-time eligible employees may use sick/personal or vacation time for pay for holidays that fall on a normal work day or they may make up the hours on another day within the pay period upon notification and scheduling approval of the employee's direct supervisor.

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

D. Sick and personal time: **[Amended 9-13-2016, 11-13-2018, 10-12-2021 & 5-14-2024]**

- (1) Full-time employees: After completing the probationary period, full-time employees will receive 8 hours of sick and personal leave for every one month of full-time employment. Thereafter, at the conclusion of the organizational meeting of the Town Board each year, full-time employees will be credited with 96 hours of sick and personal leave. Unused sick and personal time will accrue to a maximum limit of 288 hours and will be carried over from one calendar year to the next.
- (2) Part-time eligible employees: After completing the probationary period or upon becoming eligible for part-time benefits, part-time eligible employees will receive 4 hours of sick and personal leave for every one month of part-time eligible employment. Thereafter, at the conclusion of the organizational meeting of the Town Board each year, part-time eligible employees will be credited with 48 hours of sick and personal leave. Unused sick and personal time will accrue to a maximum limit of 144 hours and will be carried over from one calendar year to the next.
- (3) Upon termination of employment, employees will not receive any compensation for unused sick and personal time.
- (4) Employees may determine to surrender available sick and personal leave hours in favor of another employee for their utilization. For an employee to be eligible to utilize donated sick leave from the sick bank, they must have exhausted all of their available accruals to date and the need for continued leave must be for a medical emergency for themselves or for an immediate family member defined as parent, child, spouse or domestic partner. Nothing contained in this policy requires any employee to donate to the sick bank. Donations shall be voluntary to be determined on a global basis or in response to a specific request of a co-worker. Donated sick and personal time shall be paid out at the lower rate.

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

- (1) Upon successful completion of the probationary period, full-time employees will become eligible for paid vacation. Full-time employees will receive 40 hours of paid vacation after one year of service. After two years of service, full-time employees will be eligible for 80 hours of paid vacation. Thereafter, full-time employees will receive 8 additional hours per year of service up to a maximum of 160 paid vacation hours per year. Up to 40 paid vacation hours may be rolled over into the next anniversary year upon request from the employee and approval by the Town Board, but those vacation hours must be utilized within 6 months of the employee's anniversary date.
- (2) Upon successful completion of the probationary period or upon becoming eligible for part-time benefits, part-time eligible employees will become eligible for paid vacation. Part-time eligible employees will receive 20 hours of paid vacation after one full year of service or upon obtaining part-time eligible status if they have

already fulfilled one full year of service. After two years of service as a part-time eligible employee, they will be eligible for 40 hours of paid vacation. Thereafter, part-time eligible employees will receive 4 additional hours per year of service up to a maximum of 80 paid vacation hours per year. Vacation time for part-time eligible employees may not be rolled over into the next anniversary year.

- (3) Upon leaving Town service, an employee will be compensated for unused vacation time. Employees leaving employment with the Town up to 6 months after their anniversary date will be eligible for 50% of their earned but unused vacation time. If the departure occurs between 6 months and 12 months of their anniversary date, the employee will be entitled to 100% of their earned but unused vacation time; however, any employee terminated for cause will be automatically disqualified from receiving any payment for accrued vacation time.

***Employee benefits.***

A. Health insurance: **[Amended 2-14-2011, 11-14-2017, 11-13-2018, 5-10-2022 & 12-28-2023]**

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

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

- (2) Part-time eligible employees who have worked at least 20 hours per week for the probationary period of 26 weeks or who successfully completed the probationary period prior to becoming eligible are eligible to elect coverage for themselves in the Town's group medical plan with 40% of the employee only premium paid by the Town and 60% paid by the employee on a bi-weekly basis as a payroll deduction. Part-time eligible employees may elect coverage for spouses, children or family but part-time eligible employees will pay 100% of the insurances premium(s) over the 40% of employee only premium on a bi-weekly basis as a payroll deduction.
- (3) Paid part-time ineligible employees who have completed the probationary period of 26 weeks are eligible to elect coverage for themselves and dependents in the Town's group medical plan. Part-time ineligible employees will pay 100% of the insurances premium(s) on a bi-weekly basis as a payroll deduction.
- (4) Buy-out option: Full-time employees eligible for health insurance can choose a buy-out option in lieu of medical health insurance at the rates set forth below. In order

to qualify for such buyout, the employee must provide proof of insurance and execution of the buy-out participation agreement. The buyout is paid in equal monthly installments included in part of the employee's regular paycheck and subject to all applicable taxes. The buyout will be reduced by 20% for employees required to pay 20% of the insurance premiums. The buyout option is not available for part-time eligible employees.

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

**NOTES:**

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

- B. **Health insurance benefits continuation (COBRA):** The federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified beneficiaries the opportunity to continue health insurance coverage under the Town's health plan when a "qualifying event" would normally result in the loss of eligibility. Some common qualifying events are resignation, termination of employment, or death of an employee; a reduction in an employee's hours or a leave of absence; an employee's divorce or legal separation; and a dependent child no longer meeting eligibility requirements. Under COBRA, the employee or beneficiary pays the full cost of coverage of the Town's group rates plus an administration fee.
- C. **New York State Retirement:** All employees may join the New York State Retirement System and will be offered information about joining when they are hired. Some employees may be required to join the Retirement System. The standardized workday, for retirement purposes only, is a six-hour workday.
- D. **Workers' compensation benefits.** The Town complies with the provisions of the New York State Workers' Compensation Law and provides benefits to any employee who is injured while working. Any employee who sustains an on-the-job related injury or illness must immediately report the injury or illness to his or her supervisor. Workers' compensation benefits cover replacement income and medical expenses.
- E. **Employees covered hereunder who are injured while on duty in the course of their**

employment and thus entitled to Workers' Compensation payment shall be compensated in the following manner: Any payment received as Workers' Compensation benefits for absence for which the Employee also received full sick leave will be returned to the Town as long as the Employee receives full salary. The Employee shall be entitled to retain any Workers' Compensation benefits for any period for which sick leave pay is not paid or payable.

**Firearms and Dangerous Weapons Policy. [Amended 12-28-2023 & 5-14-2024]**

The possession of firearms or dangerous weapons (as defined below) while on Town property, or in a Town facility or vehicle, is strictly prohibited. Employees violating this policy may be terminated. The weapons portion of this policy does not apply to law enforcement personnel.

In order for any official or employee of The Town of New Lebanon to carry a firearm or dangerous weapon when on Town property, in Town vehicles, or while conducting Town business, they must be authorized under New York law under one of the various exceptions to the New York Concealed Carry Improvement Act as well as having prior specific written approval of the Town of New Lebanon Board. Such approval shall be granted at the discretion of the Town Board only after receiving proof that the individual has a proper New York State license or permit, if applicable, to carry the weapon in question and qualified as one of the limited exceptions in New York law to possess the firearm while on Town property.

**Definitions:**

- **Dangerous Weapons:** includes, but not limited to, any firearms, rifles, shotguns, explosive devices or materials, and knives having a blade exceeding five (5) inches in length.
- **Work Site:** Includes all property owned or occupied by the Town of New Lebanon, as well as Town vehicles.
- **Possession:** Includes, but not limited to, the presence of a weapon on the employee, lunch box, tool kit, bag, purse, cabinets, office, etc. Weapons transported in vehicles must be legally stored in compliance with the laws of the State of New York.

**Family and Medical Leave Act. [Amended 12-28-2023]**

The Family and Medical Leave Act (FMLA) provides all town employees with up to 12 (twelve) work weeks of unpaid, job-protected leave per year, if they are eligible.

**LEAVE ENTITLEMENT**

An eligible employee shall be entitled to:

- 12 (twelve) workweeks of leave in a 12-month period for:
  - the birth of a child and to care for the newborn child within one year of birth;
  - the placement with the employee of a child for adoption or foster care and to care for the newly placed child within one year of placement;
  - to care for the employee's spouse, child, or parent who has a serious health condition;

- a serious health condition that makes the employee unable to perform the essential functions of his or her job;
- any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on "covered active duty;" **or**
- 26 (twenty-six) workweeks of leave during a single 12-month period to care for a covered service member with a serious injury or illness if the eligible employee is the service member's spouse, son, daughter, parent, or next of kin (military caregiver leave).

### **ELIGIBILITY**

Employees are eligible for leave if they have worked for the Town at least 12 months and at least 1,250 hours over the past 12 months. Whether an employee has worked the minimum 1,250 hours of service is determined according to FLSA principles for determining compensable hours or work.

### **UTILIZATION OF TIME**

Time taken off work due to pregnancy complications can be counted against the 12 weeks of Family and Medical Leave.

Employees that are on FMLA leave for the birth, placement or adoption of child, leave time must be taken within 12 months of the birth, placement or adoption of child and in increments of no less than one week at a time. Such requested time shall be on 30 days' written notice to their direct supervisor and the Town Supervisor.

Employees that are eligible for leave may be entitled to utilize leave intermittently and all questions regarding same, as well as obtaining any necessary paperwork should be directed to the Town Supervisor's office. Employees are expected to provide a minimum of 30 days' written notice of anticipated leave except in emergent circumstances.

### **CALCULATION OF TIME**

The Town of New Lebanon utilizes a 12 (twelve) month period forward from the date of an employee's first FMLA leave in order to calculate the utilization of the 12 (twelve) weeks leave.

### **USE OF ACCRUALS & BENEFITS**

The Town of New Lebanon requires all eligible employees to exhaust all available accruals while on FMLA. Employees must identify the leave they intend to use prior to the conclusion of the payroll period.

If an employee shall be on a continuous FMLA leave and has insufficient accruals for the entire leave, employee may be allowed to spread the leave time throughout the various pay periods to assist the employee in their weekly deduction (i.e., union dues, health insurance, etc.). Notwithstanding the aforementioned, if an employee is on a continuous leave for their own health condition and/or otherwise qualifies for short-term or long-term disability through the Town's disability benefits, employees will only be required to utilize those



accruals necessary to receive a complete paycheck between leave time and disability benefits.

When all leave accruals and/or disability benefits (if applicable) are exhausted, the employee will be placed on unpaid leave. Employees absent from work on FMLA shall continue be entitled to health insurance benefits under the same terms and conditions offered while employed. Employees shall remain responsible for their proportionate share of their health insurance, to the extent applicable.

**Employees on FMLA do not accrue any leave accrual benefits.**

**Key Policy. [Amended 12-28-2023]**

Signing of Form Required

- Each Town official and employee will sign a form acknowledging the receipt of any and all Town keys assigned to him or her.
- This form will indicate the key issued, the date issued and serial number, if any.

Failure to Return Keys

Any Town official or employee who fails to return Town keys within 15 days of his or her last day of service will be billed the expense of replacement key(s) and re-keying of lock(s). If a lock must be re-keyed for any reason, all keys will be turned in to the Town Clerk within 48 hours of the locks being re-keyed. The Town Clerk will then sign out the new keys to all town officials and employees who are eligible to have keys to the new lock.

**Town Clerk's Responsibilities**

The Town Clerk is hereby designated as the "keeper of the keys." As keeper of the keys, the Town Clerk's role is limited to providing for the efficient management and recordkeeping relating to the Town's keys, including securing all keys, issuing keys to appropriate persons, and maintaining records relating to the keys. Nothing herein shall be deemed to authorize the Town Clerk to use any keys to access buildings, rooms, or areas to which the Town Clerk does not otherwise have authority to access. In this capacity, he or she will:

- Sign out and collect keys.
- Maintain a written and/or electronic log of key assignments.
- Communicate to the Supervisor any reports of lost or stolen keys.
- Have and maintain a key to every town building and to every lock that exists on any town property or in any town building. All department heads are responsible to ensure that the Town Clerk has a copy of every key for all town buildings as well as every lock that exists for their department.

**Policy for Purchasing & Vouchering Items. [Amended 12-28-2023 & 5-14-2024]**

**PURCHASING**

All department heads who submit a budget request to the Town Board whose requests are approved by the Town Board via adoption of the budget are authorized to make purchases on behalf of their department, in full accordance with the Town's Procurement Policy. Any item listed on a department's itemized budget request and approved in the budget does not need authorization prior to purchase, with the exception of highway equipment purchases exceeding \$10,000. All equipment purchases exceeding \$10,000 for the highway department, even those listed on an itemized budget request and approved in the budget, MUST be approved by the Town Board in accordance with Highway Law, section 142(1)(a).

Department heads, with the exception of the Highway Superintendent, are authorized to make purchases, other than those specifically described in the department's itemized budget as follows:

- Purchases under \$500.00 do not require authorization from the Town Supervisor or Town Board.
- Purchases of \$500.00 to under \$2,500.00 require prior authorization from the Town Supervisor.
- Purchases exceeding \$2,500.00 require prior authorization from the Town Board.
- All purchases, even those that do not require authorization from the Town Supervisor or Town Board, must be made in full accordance with the Town's Procurement Policy.

The Highway Superintendent is authorized to make purchases, other than those specifically described in the highway department's itemized budget as follows:

- Purchases under \$10,000.00 do not require authorization from the Town Supervisor or Town Board.
- Purchases of \$10,000.00 or more require authorization from the Town Board.
- Purchases exceeding \$20,000.00 are required to comply with NYS competitive bidding laws.
- All purchases, even those that do not require authorization from the Town Supervisor or Town Board, must be made in full accordance with the Town's Procurement Policy.

Before any purchase is made, the department head is responsible for knowing the balance in the budget line they wish to charge the purchase to. Except in emergency situations, the budget line must have an adequate balance for the purchase BEFORE the purchase is made. If more money is needed in a budget line before making a purchase, please submit a budget amendment request (see appendix A) to the Town Supervisor for approval at the next Town Board meeting. The order cannot be placed until after the budget amendment request is approved by the Town Board. The Town purchases from some vendors such as Staples and W.B. Mason where the Town Clerk's office acts as the purchasing agent for all items, regardless of what department the purchases are for. If a department needs to purchase an

item from one of these vendors, they may request the purchase via a purchase order (see appendix B) through the Town Clerk's office. All the same rules apply as if the department head were making the purchase directly from a vendor.

Where the Town of New Lebanon is procuring a commodity or service, whether by competitive bid or other type of procurement, that is the subject of a GreenNY procurement specification that has received final approval of the NYS GreenNY Council pursuant to Executive Order No. 22 (2022), the department head or Town Clerk's office shall follow the GreenNY procurement specification to the maximum extent practicable and where cost is reasonably competitive as defined in General Municipal Law § 104-a. GreenNY approved procurement specifications can be found online at: <https://ogs.ny.gov/greenny/approved-greenny-specifications>.

### **Vouchering**

Vouchers should be submitted and signed by the vendor whenever possible. The person who ordered the item is responsible for asking the vendor to submit a voucher signed as "claimant" at the bottom as well as an invoice. To be considered for approval of payment by the Town Board, all bills must include town voucher (see appendix C) and an itemized invoice describing the product or service provided, the date it was provided and the cost. If an invoice is not available, the voucher must describe the product or service provided, the date it was provided and the cost. Tax may not be included on the invoice or the voucher. If the vendor cannot provide a voucher, the person who ordered the item may prepare the voucher based on the invoice and sign as "preparer" at the bottom as well as departmental approval if appropriate.

All vouchers, once prepared, are to be submitted to the Town Supervisor's office. To be included in the Town Board meeting for the month, vouchers must be received by the Town Supervisor's office by the first Tuesday of the month. The Town Supervisor will return any incomplete or incorrectly prepared vouchers to the person who submitted it with an explanation of what needs to be corrected on the incomplete voucher form (see appendix D). If a corrected version of the voucher is not received by the first Tuesday of the month, the voucher will not be considered by the Town Board at that month's meeting.

### **Training**

Annual training will be provided to all department heads and anyone who places orders for the town by the Town Supervisor no later than 8 weeks into each calendar year to ensure that all are properly trained in the policies laid out above. The training will include a full review of this policy as well as the Town's Procurement Policy.

### **Penalties**

If a purchase is made not in accordance with this policy, the person placing the order could be

held personally financially liable for the payment of the invoice.

### **Review**

This policy will be reviewed by the Town Board on an annual basis and updated as needed.

### **Approved Travel Policy. [Amended 12-28-2023]**

#### General Policy

- A. No travel expenses of any kind shall be reimbursed without prior approval of the Town Board. The department head shall submit the request to the Town Board and shall include in the request whether the training is required or recommended. The Board gives blanket prior approval for mileage expenses incurred in the performance of duties by the following positions; Court Clerk, Deputy Court Clerk, CEO/ZEO/Deputy CEO, Assessor, Town Clerk, Deputy Town Clerk, Tax Collector and Town Supervisor.
- B. No travel which includes overnight stays shall be committed to without prior approval of the appropriate department head. Timely submission shall be made to the Town Clerk for such approval to be transmitted to the Town Board member responsible for liaison with that department; in the event of an emergency requirement, the Board member may approve by telephone or e-mail.
- C. A copy of the itemized hotel/motel bill must be submitted along with either a paid receipt or a credit card charge form.
- D. Employees will not be reimbursed for travel time to and from seminars or in-service training. Employees paid on an hourly basis will be paid for the hours that they attend seminars or in-service training (not to exceed eight hours per day). Salaried employees that attend seminars or in-service training on weekends may take compensation time equivalent to the hours in seminars or in-service training (not to exceed eight hours per day) with the approval of their supervisor.

#### Education or In-Service Training Events

For travel to job-related educational events (such as seminars or in-service training), the Board may approve a travel advance only in those cases where the sponsoring organization provides the written evidence of certification or completion which can be presented to the Board upon the employee's return. (In cases where such evidence is delayed, the Board will rely upon the employee's written assurance that the documentation is forthcoming.) Employees are expected to attend all seminars, classes or meetings included in the event agenda appropriate to their duties and responsibilities and to submit an annotated copy of

the event agenda with those attendances noted thereon.

#### Other Overnight Travel

In any other travel requiring overnight stays, and approved by the Board, the employee will lay out the necessary expenditures and submit an expense report, in a form to be determined by the Town Clerk, to the Clerk upon completion of the trip, for reimbursement. The employee will attach a brief statement summarizing:

- A. Reason for the travel.
- B. Meetings attended and list of participants with organizational affiliations.
- C. Accomplishments of the trip.
- D. Any follow-up activities engendered by the trip.

#### Reimbursement Limitations

No reimbursement shall be made for:

- A. The purchase or consumption of alcoholic beverages.
- B. Personal purchases (including, but not limited to, medicines, personal care items, gifts, movies or entertainment, exercise or other recreational activities, etc.).
- C. Expenses incurred by a person other than the employee.
- D. Upgrades in seating or other accommodations.
- E. Meals in excess of \$55 per day, using the guideline of \$15 each for breakfast and lunch and \$25 for dinner. Employees are expected to participate in meals which are included in program fees without further reimbursement.
- F. Automobile rentals, except if approved in advance. Employees should use their own vehicles in most cases. When necessary, airport or hotel shuttles, Uber and Lyft should be utilized in preference to taxis.

#### Violations

- A. Employees who violate these rules are required to reimburse the Town for any advances received, or expenses reimbursed (or portions thereof found to be inappropriate) upon written notice from the Town Clerk of such violation.
- B. Employees found to have knowingly, or fraudulently, supplied inaccurate travel documentation to the Town for which they received reimbursement may be subject to discipline, including, but not limited to, fines, loss of pay, and/or dismissal. The Town may, at its discretion, refer such employees to the judicial system.

#### *Town of New Lebanon Computer, Internet, & Email Usage Policy [Amended 12-28-23]*

The computer and email systems are owned by Town of New Lebanon and are provided and intended for business use. All messages and other information communicated through these systems are the property of Town of New Lebanon. With this in mind, incidental and occasional personal use is allowed; however, this privilege should not be abused and must

not affect a user's performance of employment related activities. Non-business internet activity will be restricted to break times and/or meal periods only.

Visiting web sites or opening an email that may contain inappropriate material is grounds for disciplinary action. Any spam email that is received must be immediately deleted. The downloading of information should be kept to a minimum. It is extremely important that you are aware of the dangers of opening attachments that may contain a virus. A virus could contaminate Town of New Lebanon's entire computer system. Internet and email usage may be monitored. Misuse of these systems may result in disciplinary actions, up to and including termination.

Examples of misuse of the systems include, but are not limited to:

- offensive or harassing statements based on race, color, religion, creed, sex, disability, age, marital status, sexual orientation, gender identity, genetic information, genetic predisposition, sexual and reproductive health decisions, national origin, criminal history, citizenship status or because he/she is a veteran, disabled or otherwise;
- statements that could be construed as defamatory;
- profane or obscene material;
- violations of copyright or trade secrets;
- sending chain letters;
- soliciting money for religious or political causes; or
- participation in chat rooms or bulletin boards.

Employees encountering or receiving this kind of material should immediately report the incident to the management.

Employees should always conduct themselves in a professional manner. Email messages are sometimes misdirected and often forwarded and may be seen by persons other than the intended recipient. Users should create messages with the same care, judgment and responsibility they would use for letters and memoranda written on Town of New Lebanon letterhead. Email passwords must be made available to the Town at all times. Please notify management if you need to change your password.

Employees cannot use employer-owned equipment, including computers, phones, town-licensed software or other electronic equipment on work time to conduct personal blogging, social networking activities and/or political activities. Use of personal devices while on work time is not allowed and may be addressed as a performance issue.

Consistent with applicable federal and state law, Town of New Lebanon reserves the right to monitor usage of the computer and email systems for any reason. With this in mind, the privacy of email, and similar data should not be presumed. Employees shall not use unauthorized codes or passwords to gain access to others' files. The unauthorized access of another employee's email or files may result in disciplinary action. Town of New Lebanon reserves the right to terminate any user's access to the mail system and to take other

appropriate disciplinary action in the event of misuse or abuse of the mail system.

Questions regarding this policy should be addressed to the management.

### **Town of New Lebanon Drug Free Workplace Policy [Amended 12-28-2023]**

The use of illegal drugs, marijuana, alcohol and prescription drug misuse by employees are inconsistent with Town of New Lebanon's long-standing commitment to a safe and productive work environment. Illegal drugs are controlled substances which are not being used or possessed under the supervision of a licensed health care professional.

Whenever employees are working, operating town vehicles or equipment, present on Town of New Lebanon premises, or present in any other location performing services for the Town, they are prohibited from:

- using, buying, selling, manufacturing, distributing, dispensing, consuming or transferring illegal drugs or marijuana;
- being under the influence of illegal drugs, marijuana or alcohol;
- misuse of prescription drugs; and
- consuming marijuana and/or alcohol.

Employees should report to work fit for duty and free of any adverse effects of illegal drugs, marijuana or alcohol. This policy does not prohibit employees from the lawful use and possession of prescribed medications. Employees must, however, consult with their doctors or other licensed medical practitioners about the effect of prescribed medications on their ability to work safely, and promptly disclose any restrictions to their managers.

In accordance with all applicable federal and state laws, it is a condition of employment that any employee who is convicted of a criminal drug offense notify the town within 5 days of the conviction.

Employees who violate any aspect of this substance abuse policy will be subject to appropriate disciplinary action up to and including termination of employment. Depending on the circumstances, an employee's continued employment, reinstatement, or return to work, may be conditioned on the employee's successful participation in and/or completion of any and all evaluations, counseling, treatments, and rehabilitation programs, and other appropriate conditions as determined by Town of New Lebanon.

### **Town of New Lebanon Cell Phone Policy [Amended 12-28-2023]**

It is the policy of The Town of New Lebanon that personal phones, and portable entertainment devices are not to be utilized for personal business during work hours, with the exception of breaks, lunch, or with the express authorization of your

immediate supervisor. The use of social media platforms including but not limited to Snapchat, Instagram, TikTok and Facebook are strictly prohibited during work hours with the exception as above.

In the event an employee receives a personal phone call of an **emergency nature** during work hours, the employee must ensure that they are in compliance with all New York State Motor Vehicle laws, as well as ensuring the safety of themselves and their co-workers.

Employees are expected to complete assigned work; thus, excessive personal phone use may result in disciplinary action.

This policy does not preclude the carrying of personal cellular phones or utilizing personal cellular phones to communicate with Town personnel; however, it does ban their use during the workday as set forth above.

All full-time highway employees, the highway superintendent, the town supervisor, the CEO/ZEO, the Deputy CEO/ZEO and the Animal Control Officer are all eligible for a town issued cell phone or to utilize their personal phone for work purposes and receive a reimbursement of \$25 per month paid via monthly voucher or via one annual voucher for \$300 in December (or upon leaving service for the town at a rate of \$25 per month for each month of service). If an eligible employee has a town issued cell phone it may only be used for town work related business, it may not be used to discuss politics or any other non-work-related matters and it must be used in a way that is consistent with all town policies.

### **Town of New Lebanon Social Media Use Policy (only section C) [Amended 12-28-2023]**

#### Personal Use of Social Media – Precautions and Prohibitions:

1. All Town personnel shall abide by the following when using social media for their own personal use:
  - a. Town personnel are free to express themselves as private citizens on social media sites to the degree that their speech does not impair working relationships of this Town for which loyalty and confidentiality are important, impede the performance of duties, impair harmony among co-workers, or negatively affect the public perception of the Town.
  - b. Town personnel shall not post, transmit, or otherwise disseminate any information to which they have access as a result of their employment without the expressed authorization of the Town Supervisor or his/her designee. Municipal policies such as work place violence and harassment apply to all postings in addition to any HIPPA regulations, collective bargaining and confidentiality requirements.



- c. Use speech involving themselves or other Town personnel reflecting behavior that would reasonably be considered reckless or irresponsible.
- d. Engaging in prohibited speech noted herein, may provide grounds for undermining or impeaching an officer's testimony in criminal proceedings.
- e. Town personnel shall not post, transmit, or otherwise disseminate any information to their personal social media accounts while on duty regardless if from a Town computer or other personally owned device without the expressed authorization of the Town Supervisor or his/her designee.
- f. Personnel will not divulge information gained by reason of their authority; make any statements, speeches, appearances, and endorsements; or publish materials that could reasonably be considered to represent the views or positions of the Town without expressed authorization of the Town Supervisor or his/her designee.
- g. Town personnel that violate this policy may be subject to discipline up to and including termination.
- h. Reporting Violations – Any employee becoming aware of or having knowledge of a social media posting or of any website or web page in violation of the provision of this policy has an obligation to notify his or her supervisor immediately for follow-up action.

#### **Employee Parking Policy [Amended 12-28-2023]**

Town employees are to park in the parking spots in the side parking lot by the basketball courts between the hours of 9:00am and 5:00pm, Monday through Friday when they are at town hall working for official town business, unless they need ADA compliance.

#### **Smoking Policy [Amended 12-28-2023]**

There is no smoking within 50 feet of the town hall. There is a designated employee smoking area near the employee parking area at the picnic table near the mailboxes. All cigarette butts must be disposed of in the provided receptacle at the designated employee smoking area.

#### **Additional Resolutions and Laws related to Personnel Policies**

- Code of Ethics
- Procurement Policy
- Fund Balance Policy
- Bank Reconciliation Policy
- Electronic Records Policy
- Petty Cash Policy
- Social Media Use Policy

Public Employer Health Emergency Plan  
CDL & Drug and Alcohol Testing Plan & Policy  
Investment Policy  
Performance Management Policy (Old Compensation Policy)  
Data Breach Notification Policy  
Policy & Complaint Procedure Regarding Discrimination & Harassment  
Workplace Violence Prevention Policy

**NOW, THEREFORE, BE IT RESOLVED** by the New Lebanon Town Board that the above amended personnel policies is adopted by the Town and shall take effect on **May 14, 2024**.

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

Roll Call Vote:

Councilmember Steve Powers	Aye
Councilmember Elizabeth Kroboth	Aye
Supervisor Tistrya Houghtling	Aye
Councilmember Susan Tipograph	Aye
Councilmember Craig Skerkis	Aye

The Resolution, having been approved by a majority vote of the Town Board, was declared duly adopted by the Supervisor of the Town of New Lebanon.

Dated: May 14, 2024

Marcie Robertson

Town Clerk, Town of New Lebanon

A motion was made by Supervisor Houghtling, seconded by Councilmember Skerks, and approved unanimously to amend the Firearms and Dangerous Weapons Policy to mirror the changed version that just got incorporated into the Personnel Policy.

Supervisor Houghtling reported, at the last meeting, the board asked her to issue a letter to our Highway Superintendent allowing him to carry a weapon on town property and in vehicles, the insurance carrier said no, this cannot be done. She stated, instead of her not complying with an action of the board, she is looking for a motion to rescind the prior request for this letter to be issued.

A motion was made by Councilmember Tipograph, seconded by Councilmember Skerkis, and approved unanimously to rescind the original authorization that the board voted at the last meeting, with apologies to Highway Superintendent McCagg.

***Amend Highway 284 Agreement:***

Supervisor Houghtling stated, the board approved a prior Highway 284 Agreement at a previous meeting. The Highway Superintendent is making changes to the

agreement and presented two new Highway 284 Agreements to the board that will replace the prior approved agreement.

A motion was made by Councilmember Tipograph to adopt the amended Highway 284 Agreements. The motion was seconded by Councilmember Skerkis

Roll Call Vote:

- Councilmember Powers - Aye
- Councilmember Kroboth - Aye
- Supervisor Houghtling - Aye
- Councilmember Tipograph - Aye
- Councilmember Skerkis - Aye

**Highway Equipment:**

Supervisor Houghtling stated, there are three pieces of equipment the Highway Superintendent expressed a need for. She stated, there is a long-term plan for equipment purchasing to save the town money by purchasing equipment needed for certain roadway maintenance and repairs that are currently being rented per project and it is very costly over time. She needs a month to look at the budget to see if the town can purchase one piece of equipment this year.

A motion was made by Supervisor Houghtling, seconded by Councilmember Tipograph, and approved unanimously to go out to bid for a used mini-excavator with a trailer, and Highway Superintendent McCagg providing the specifications to Town Clerk Robertson for the bid notice, with bids due on or before June 7<sup>th</sup>, 2024 at 4:00pm.

**CSC \$175,000 Grant:**

Councilmember Powers reported, the CSC achieved the Silver level in the CSC program and as a result of that we got points in the Clean Energy Communities Program which will entitle the town to a \$175,000 grant for upgrades to the town buildings for energy efficiencies. He is looking at potentially installing heat pumps in the highway garage, solar panels on the highway garage roof, other things like battery operated tools for the park, electrical upgrades to the highway garage, the Town Clerk's office, park bathrooms, and the Historical Society's office, all of the items have to be submitted to NYSERDA for approval. His objective is not only to get these things done but if we get the additional points for these upgrades by October 1<sup>st</sup>, 2024 the town will get another \$250,000 grant. If these tasks cannot be completed by October 1<sup>st</sup>, the grant will drop to \$200,000.

Councilmember Powers stated, prior to anything being done to the garage, they roof has to be inspected to see if it can structurally hold the solar panels. He received a quote from an engineer in the amount of \$300 who is coming Thursday to inspect the

roof. If the roof is good, Highway Superintendent McCagg suggested that they put a coating on the roof prior to any work on the garage roof. Councilmember Powers attended to get quotes and was unable to get anyone. Highway Superintendent McCagg was able to provide a ballpark estimate for materials and labor in the amount of \$24,000 for the roof.

A motion was made by Councilmember Skerkis, seconded by Councilmember Tipograph, and approved unanimously to go out to bid for the coating of the highway garage roof with bids due on or before June 7<sup>th</sup>, 2024 at 4:00pm pending the engineer report on the roof.

A motion was made by Councilmember Kroboth, seconded by Councilmember Skerkis, and approved unanimously to authorize the Supervisor to enter into an agreement with NYSERDA, sending a letter stating the projects to be completed with the grant.

***Hallway Reconstruction – Go Out to Bid:***

Supervisor Houghtling stated, having no idea what the cost would be for hallway reconstruction, she wants to go out to bid on this. There was discussion held on this subject.

A motion was made by Supervisor Houghtling, seconded by Councilmember Tipograph, and approved unanimously to go out to bid on a redesign of the hallway and associated access points and have Jeff Hattat get the bid specs to the Town Clerk to notice the paper with bids due on or before July 5<sup>rh</sup>, 2024 at 4:00pm.

***Open Swim Agreement with NLCSD for 24-25 School Year:***

Supervisor Houghtling reported, one of the things that the town already expended ARPA funds on was having Open Swim become free to the public. It has been a big success and the school cannot afford to fund it with their budget, they are asking the town to consider continuing the program for the 24-25 school year.

A motion was made by Councilmember Skerkis to approve giving the high school the funds to continue the open swim program in the amount of \$3,834 for the 24-25 school year from ARPA funds. The motion was seconded by Councilmember Tipograph.

Roll Call Vote:

- Councilmember Powers - Aye
- Councilmember Kroboth - Aye
- Supervisor Houghtling - Aye
- Councilmember Tipograph - Aye
- Councilmember Skerkis - Aye

***ARPA Draft Budget Review:***

Supervisor Houghtling reported, this was a draft budget adopted February 14<sup>th</sup>, 2023. The prior Town Board went out to the public with a survey asking the public how they would like to see the ARPA funds spent keeping in mind the intent of the funds being to combat the negative impacts of COVID. The board took the top five vote getters from the survey and went to the related committees for ways to best use the funds. Supervisor Houghtling gave a brief review of the ARPA budget and to date \$120,906.00 has been spent leaving \$99,810.95 remaining to be spent. Supervisor Houghtling gave an overview of how the funds have been spent to date.

Supervisor Houghtling reported, she reached out to committee chairs who have been allocated funding to see if they are on track to spend the funds. The money has to be spent, contracted, or dedicated by December of this year, 2024. The board had discussion regarding the money that was allocated to the Rail Trail to potentially gain access to the trail and money that was allocated to the pharmacy start-up.

A motion was made by Supervisor Houghtling, seconded by Councilmember Tipograph, approved unanimously to schedule a Special Meeting for June 11<sup>th</sup>, 2024 at 5:30pm to meet with the Rail Trail Board with some of the conversation likely to be in Executive Session, and ask the Town Clerk to advertise the meeting.

Supervisor Houghtling continued the review of the draft ARPA budget that was previously adopted in 2023.

***Community Center – Engineer Inspection & Next Steps:***

Supervisor Houghtling stated, there is already ARPA money allocated for the Community Center to cover potentially getting an engineer report for the Community Center.

Councilmember Skerkis presented a slide show on the Community Center. The slideshow looked at the usage of the Community Center, the pros and cons of an engineering survey, and over all does the usage of the center warrant the purchase of the building.

Councilmember Skerkis asked Supervisor Houghtling, if the board agreed to buy the building, how do they do it? Supervisor Houghtling responded, there are several options. If they are not moving forward with the splash pad alternative, there is \$300,000 that could be used. Councilmember Skerkis stated, that would not have to go out to vote. Supervisor Houghtling, replied, no. She stated, if the board were unable to find the money within the current funds, such as the \$300,000 that was allocated for the splash pad or in the 2025 budget, if they have to bond the money, bonding is subject to permissive referendum. It does not have to go to a vote but the voters can ask for it to go to a vote.

Councilmember Skerkis and Robert Long, Community Center Coordinator had back and forth discussion regarding the attendance at the Community Center.

Councilmember Tipograph commented that she feels that starting with the engineering survey of the building is a good place to begin the process to see if the LVPA building is something that they would want to purchase for the use of a Community Center.

A motion was made by Councilmember Tipograph to approve the quote from Paul McCreary, Engineer in the amount of \$1,800, to be paid out of ARPA funds to do an engineering survey of the Community Center building to assist the board and the community in figuring out whether purchasing the LVPA building would be something they want to do. The motion was seconded by Supervisor Houghtling.

Councilmember Skerkis, commented he has questions on the engineering study, what is the ask there, what are they going to come back with, the building needs? What are they going to get from an engineering study? He was not able to read the proposal.

Supervisor Houghtling responded, the engineer’s scope of service is to request and obtain all existing documentation on the building, existing plans, drawings, well and septic information, renovations, additions, visually inspect all aspects of the building, photograph, document findings for use in a report, report on building condition, present the results of the visual inspection, prepare where needed a list of the corrective measures required, note which corrective measures should be accomplished in the near future and which can wait with recommended time frames.

The board held further discussion.

Roll Call Vote:

Councilmember Powers -	Aye
Councilmember Kroboth -	No
Supervisor Houghtling -	Aye
Councilmember Tipograph -	Aye
Councilmember Skerkis -	No

***Performance Management Policy – Committee for Update Research:***

Supervisor Houghtling stated, she is going to create a committee to do research to recommend updates to the Town Board on the Performance Management Policy. She is appointing herself, Councilmember Tipograph, Town Clerk Robertson, Norman Rasmussen, and Sharon Powers.

***Quote To Close Well Test Hole:***

Supervisor Houghtling reported that Joanne Amlaw brought up that the test well was not closed. Supervisor Houghtling thought that when the town

hired a company to drill a test well that the cost would include them closing the test site if no water was found. Supervisor Houghtling reached out to the company that was hired, they confirmed that expense was not part of the original proposal, and they quoted \$2,500 to decommission it per DEC standards or there is a shortcut for \$500 but then DEC may require it to be done properly. The board held discussion and agreed to go with the less expensive option.

A motion was made by Councilmember Kroboth to move forward with the \$500 option to close the test well site. The motion was seconded by Councilmember Tipograph.

Roll Call Vote:

Councilmember Powers -	Aye
Councilmember Kroboth -	Aye
Supervisor Houghtling -	Aye
Councilmember Tipograph -	Aye
Councilmember Skerkis -	Aye

**CAC Tablet:**

Supervisor Houghtling stated, the CAC no longer needs their tablet. The Highway Superintendent wants a tablet.

A motion was made by Supervisor Houghtling to transfer the inventory of the tablet from the CAC inventory to the Highway Superintendent and start paying the monthly fee for it out of the highway budget. The motion was seconded by Councilmember Kroboth.

Roll Call Vote:

Councilmember Powers -	Aye
Councilmember Kroboth -	Aye
Supervisor Houghtling -	Aye
Councilmember Tipograph -	Aye
Councilmember Skerkis -	Aye

Supervisor Houghtling stated, the Supervisor’s laptop that was her bookkeeper’s went to the Highway Superintendent, he no longer wants it. The Town Clerk can use the laptop.

A motion was made by Supervisor Houghtling to transfer the laptop from the highway inventory to the Town Clerk inventory. The motion was seconded by Councilmember Kroboth.

Roll Call Vote:

Councilmember Powers -	Aye
Councilmember Kroboth -	Aye
Supervisor Houghtling -	Aye
Councilmember Tipograph -	Aye
Councilmember Skerkis -	Aye

***ZBA Resignation:***

Supervisor Houghtling stated, Jeannine Tonetti submitted a resignation from the ZBA.

A motion was made by Supervisor Houghtling, seconded by Councilmember Powers, and approved unanimously to accept the resignation from Jeannine Tonetti for the ZBA and go out for letters of interest to fill the vacancy, with letters of interest due June 7<sup>th</sup>, 2024 at 4:00pm, and schedule interviews to be held at 5:30pm on June 11<sup>th</sup>, 2024 at the Special Meeting.

**ANNOUNCEMENTS:**

***JUNE:***

***Tuesday, June 11th, 2024 at 5:30pm- Special Meeting – ZBA Interviews & Meet with Rail Trail***

***Tuesday, June 11th, 2024 at 6:00pm- Regular Monthly Meeting***

***Thursday, June 13th, 2024 at 6:00pm- FREE Community Dinner at the Community Center***

**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](mailto:supervisor@townofnewlebanon.com) during the meeting.

**Meg Robertson:** Meg made an announcement of the crab apple tree that was planted out front of the Town Hall in honor of John Trainor. The LVHS planted blueberry bushes in the park near the cupola. They are collecting donations to add a plaque to put with the tree. They are also considering the creation of a one-time scholarship for the high school.

**Abbie Shoobs:** Abbie commented in favor of the Community Center and its possible use as a rain date location for recreation events.

**Joanne Amlaw:** Joanne commented on working with the CAC and the erosion along the stream in the park and it needing to be addressed.

**Norman Rasmussen:** Norman commented on the Community Center and expressed his disappointment, the prior board approved the Community Center as a one year experiment and after only four months they are having discussion on if it a success or not.



**Mary Young:** Mary inquired if the walking trails are open? -Yes they are.

**Rae Gilson:** Rae announced that the BEDC will be holding the next Business Meet & Greet at the Lebanon Valley Speedway from 4:00 to 6:00pm.

**Councilmember Skerkis:** Craig announced that he has been in touch with Tops Market and New Lebanon’s need for a grocery store, hopefully something can come of it.

**Mr. Muadin: (Online):** Mr. Muadin offered thanks to the elected officials for their work.

**Supervisor Houghtling Read Email POF:**

**JoAnna Phillips:** JoAnna emailed with questions regarding wastewater and water treatment and the feasibility study.

**ADJOURNMENT:**

A motion was made by Supervisor Houghtling, to adjourn the meeting at 8:55pm. The motion was seconded by Councilmember Powers.

Roll Call Vote:

Councilmember Powers -	Aye
Councilmember Kroboth -	Aye
Supervisor Houghtling -	Aye
Councilmember Tipograph -	Aye
Councilmember Skerkis -	Aye

*Respectfully submitted,*

Marcie Robertson  
New Lebanon Town Clerk