

**MINUTES OF THE REGULAR MONTHLY MEETING OF
THE TOWN BOARD OF THE TOWN OF NEW LEBANON
HELD ON AUGUST 13, 2024**

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

Absent: Craig Skerkis, Councilmember

Recording Secretary: Marsha (Marcie) Robertson, Town Clerk

Others Present: Jim Carroll, Planning Board, & ZRC Member
Sharon Powers, IT Website Support, ZBA & QOL Member
Peg Munves, CAC Co-Chair & Member
Joanne Amlaw, Recreation Commission Member
Monte Wasch, Planning Board, Board of Ethics, BEDC,
and Shaker Preservation Com. Member
Beth LaGrange, Playground Design Com. Member
Stacey Breads, Playground Design Com. Member
Josh Young, Planning Board & QOL Member, Shaker
Preservation Com., & BEDC Chair
Margaret Robertson, Historic Railroad Comm. Member
Abbie Shoobs, Recreation Commission Chair & Member
Joanna Ezinga, Recreation Commission Member
Mary Young, NL Rep to CC Office for the Aging & Traffic
Safety (6:40pm)
Steve Houghtling, LVPA Chief (6:40pm)
Doug LaRocque, The Columbia Paper
Members of the Public

CALL TO ORDER:

The regular monthly meeting was called to order at 6:00pm by Supervisor Houghtling. The meeting was held in person at the New Lebanon Town Hall, 14755 State Route 22 North, New Lebanon, NY 12125 with members of the public also being able to view the meeting at the following link: https://townhallstreams.com/towns/new_lebanon_ny

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

MINUTES:

No minutes for approval.

FINANCIAL:

Supervisor’s Report:

The Supervisor’s Report as of July 31, 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 Tipograph to accept the Supervisor’s report for July 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 -	Absent

PRIVILEGE OF THE FLOOR:

In addition to an in-person privilege of the floor, Supervisor Houghtling will read all comments, questions and concerns emailed to supervisor@townofnewlebanon.com during the meeting.

Monte Wasch: Monte thanked Highway Superintendent McCagg and the highway team for resolving the entrance to Canaan Road from Route 20, noting that the solution appears to be semi-permanent and addresses a longstanding issue.

William Shannon: William presented a petition in reference to the community center, encouraging the town to purchase the current community center from the Lebanon Valley Protective Association. He highlighted benefits including the free store, rental for private events, kids’ recreation, a potential satellite office for Columbia County Sheriffs, and use as a cooling/heating station during power outages. The petition contained numerous signatures from community members.

Nina Keller: Nina thanked the board for their vote of confidence in nominating her to fill the vacancy in the Town Justice Court. She explained that her employment with the state liquor authority as an administrative law judge created a conflict that prevents her from serving as town justice, as the regulations from 1934 (following Prohibition's repeal) restrict public officers from having certain associations with alcohol-related governance.

David McGinness: David thanked the LVPA for supporting the Lebanon Valley seniors by providing free use of the building. He noted the growing senior population in New Lebanon, with the average age rising from 40 in 2010 to above 50 in 2020. He emphasized the community center's high usage, with over 600 people utilizing the building in the past month when counting the free store and senior activities.

Mr. Muadin: (Online): Mr. Muadin expressed concerns about the proposed telecommunications code, noting issues with setbacks for cell towers, notification requirements, and potential health risks based on a situation in Pittsfield.

Supervisor Houghtling read the following emails for privilege of the floor:

Daniel Molleur: Daniel expressed that he is opposed to the Walkable Downtown project.

Saskia Hitchcock: Saskia expressed concerns regarding the Walkable Downtown project.

Katie MacVeigh: Katie expressed concerns regarding the Walkable Downtown project and the proposed purchase of the community center.

Deborah Gordon: Deb acknowledged the Recreation Commission on the successful town picnic. She also expressed that she is opposed to the proposed purchase of the community center.

Adelia Moore: Adelia expressed her concerns and offered suggestions for the park.

Sharon Powers: Sharon expressed her support of the proposed purchase of the community center.

Pat Metzler: Pat expressed concerns regarding the Walkable Downtown project and her opposition to it.

Rick Stall: Rick expressed concerns regarding the Walkable Downtown project and his opposition to it.

CERTIFICATE OF APPRECIATION – Dale Ackley:

Supervisor Houghtling announced that Dale Ackley has resigned from the Board of Assessment Review. The board acknowledged his service to the town and will send him a certificate of appreciation.

BUDGET AMENDMENT #8 OF 2024:

Supervisor Houghtling stated, the budget amendment includes NYSERDA funds for energy upgrades, increased unemployment insurance funding due to claims, and park planning funds. Councilmember Powers commented regarding the additional legal expenses due to FOIL requests that require assistance of the attorney. Supervisor Houghtling stated, to date \$13,406 has been spent in FOIL legal fees and another \$5,000 is being put in with this budget amendment for a current FOIL that the attorney is working with the Town Clerk on. Town Clerk Robertson clarified for the record that the need for the attorney's assistance is not due to her lack of ability or knowledge to fulfill the FOIL requests, it is the nature of the requests that requires the attorney.

General Fund:

\$ 175,000.00	from A-3910.1 (State Aid – Climate Smart Grant)
\$ 70,112.00	from A-3930 (Inter-fund Revenue – Park Grant)
\$ 27,932.00	from A-003917 (Appropriated Fund Balance)
\$ 193.00	from A-1990.4 (Contingent)
\$ 9,432.00	to A-9050.8 (Unemployment Ins.)
\$ 193.00	to A-1355.4 (Assessor – Cont. Exp.)
\$ 70,112.00	to A-7140.45 (Park Plan – Cont. Exp.)

\$ 18,500.00 to A-1420.4 (Attorney – Cont. Exp.)
\$ 175,000.00 to A-8797.42 (Climate Smart – Town Hall)

Highway Fund:

\$ 3,299.00 from DA-5130.4 (Machinery – Cont. Exp.)
\$ 3,299.00 to DA-5130.2 ((Machinery – Equipment)

A motion was made by Supervisor Houghtling to approve the above noted budget amendment #8 of 2024 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 - Absent

AUDIT OF BILLS:

2024 Bills:

General Nos. 312 through 314, in the amount of \$4,730.75:
As listed on Abstract No. 7A dated August 13, 2024.

General Nos. 315 through 364, in the amount of \$111,964.57;
Highway Nos. 110 through 125, in the amount of \$53,887.41; and
SF-1 LVPA No. 3, in the amount of \$57,075.50;
As listed on Abstract No. 8 dated August 13, 2024.

A motion was made by Councilmember Powers to pay the bills as amended. The motion was seconded by Councilmember Kroboth.

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

COMMITTEE/LIAISON REPORTS:

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

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

Peg Munves, CAC: Peg reported, that Tyler Fogg has resigned from the CAC and as the ZRC representative and from the Shaker Preservation Committee subcommittee. The CAC is requesting to appoint Bill O'Neill in Tyler's place.

A motion was made by Supervisor Houghtling, seconded by Councilmember Tipograph, and approved unanimously with the exception of Councilmember Skerkis who is absent, to appoint Bill O'Neill in place of Tyler Fogg as the CAC rep. for the remainder of 2024 on the ZRC.

Peg discussed the DWSP-2 and the board's approving of it. Supervisor Houghtling responded that she will look into the adoption process and get back to her.

Steve Powers, CSC Chair: Steve reported, on progress with electrical upgrades at the highway garage. The driveway has been dug up to lay a new electric line between the town hall and the garage to upgrade from 100 amp service to 200 amp service. LED lights have been installed in the garage and Pete's office, and work is progressing on the roof sealant and preparations for solar panel installation and heat pumps.

OLD BUSINESS:

Highway Chipper Request – Go Out To Bid:

The board discussed funding options, with Supervisor Houghtling noting that the highway fund balance is currently \$177,007.24 and the general fund balance is \$713,852.81.

Councilmember Kroboth provided background on the chipper request, explaining that Highway Superintendent McCagg has made efforts to properly clean up downed trees rather than leaving them alongside roads where they can cause future problems with plowing and drainage. With recent storms, the department has been renting a chipper almost continuously.

A motion was made by Councilmember Tipograph, seconded by Councilmember Kroboth and approved unanimously except Councilmember Skerkis who is absent, to go out to bid for a chipper with bids due on or before 4:00pm on Friday, September 6th, 2024 and to authorize the Highway Superintendent to work with the Town Clerk on the specifications.

Update on New Office Doors:

The item was tabled as Councilmember Skerkis was not present to provide the specifications.

ARPA Draft Budget Review:

Supervisor Houghtling gave a review on the ARPA budget, noting that the unspent amount is \$91,013.22 with \$89,383 to \$101,383 already allocated. The board discussed contracting arrangements for the CAC water testing program, which will need to be formalized by December. The board agreed to prepare a draft contract for review at the November

meeting and approval with final numbers in December.

Discussion also addressed the Rail Trail allocation and an open violation related to a burnt building on Rail Trail property. The board considered options for contracting with the Rail Trail with a stipulation that no money would be paid until the violation is cleared by demolishing the building.

Town Justices – Continue Conversation of 1 Justice or 2 Justices:

Supervisor Houghtling stated, that both town justices have resigned, and Judge Sack from Greenport Town Court has been appointed by OCA to fill in. The town missed the August 5th deadline to get a referendum on the November ballot to potentially reduce to one justice position.

Councilmember Tipograph recommended maintaining two justice positions for now, noting that while one judge might be sufficient long-term, the court needs stability after recent disruptions. The board discussed the court clerk position and the need to advertise for a replacement as the current clerk is moving out of the area. She recommended raising the hourly pay rate for both the Court Clerk and the Deputy Court Clerk.

A motion was made by Supervisor Houghtling, seconded by Councilmember Tipograph, and approved unanimously with the exception of Councilmember Skerkis who is absent, to go out for letters of interest for the justice clerk position at a rate of \$17.30 per hour for up to 20 hours a week, with letters due on or before 4:00pm on September 6th, 2024 and interviews to be held at a special meeting on September 10th, 2024 at 5:45pm, and to advertise in both the Columbia Paper and the Register Star.

Introductory Local Law #2 – Procurement Policy Amendment:

Supervisor Houghtling stated, they are amending the town's procurement policy based on a request from the highway superintendent.

A motion was made by Supervisor Houghtling to adopt Introductory Local Law #2 of 2024 as Local Law #2 of 2024 and ask that the Town Clerk publish the notice of adoption in the town's newspaper, post it on the town signboard and the town website. The motion was seconded by Councilmember Tipograph.

Roll Call Vote:

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

Community Center:

Town Clerk Robertson read Councilmember Skerkis’s email asking the board to hold off on making any votes regarding the purchase of the community center and he encourages more discussion with the community.

The board discussed purchasing the community center building from the Lebanon Valley Protective Association. Supervisor Houghtling noted that the Department of Health had confirmed the building would not be considered a public water supply requiring special permits.

Councilmember Kroboth expressed opposition, stating that the usage (75 users in July, mostly repeat visitors) doesn't warrant the expense of purchasing and maintaining the building. She suggested other locations could meet the needs, including schools, churches, and the library.

Councilmember Kroboth addressed the issue of the Supervisor recusing herself, stating that when the town entered into the contract with the LVPA for services, she recused herself because her husband is the fire chief. Councilmember Kroboth stated, this involves entering into a contract to purchase a building with the LVPA and she feels it would be appropriate for her to recuse from that vote as well.

Supervisor Houghtling responded that all of her dealings with the building purchase have been with the President, Ed Godfroy. The fire chief is for operations, a contract for operating fire services would involve the fire chief. She will check with the Association of Towns on this. She also stated, she actually does not have to recuse from the contract for services but she always felt it was cleaner to do that.

Steve Houghtling, LVPA Fire Chief stated for the record he has already recused from the sale of the building on their end.

Councilmember Tipograph strongly supported the purchase, arguing that the churches don't have adequate capacity for senior events, and the building provides valuable community space in a central location. She emphasized that the town is buying real estate that could be sold later if better options emerge.

Councilmember Powers noted that the Climate Smart Task Force could leverage additional NYSERDA grant money for solar panels, heat pumps, and battery backup if the town purchases the building. He highlighted the building's potential for bringing the community together and supporting both seniors and youth.

A motion was made by Councilmember Powers to move forward with the purchase of the LVPA building and authorize Attorney Tingley to work with Supervisor Houghtling on all necessary steps like a title search and prepare a purchase resolution for the September meeting. The motion was seconded by Councilmember Tipograph.

Roll Call Vote:

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

Broadband Funding Update:

Supervisor Houghtling announced that after years of work, USDA has approved funding to bring broadband to every home in New Lebanon. The congressional earmark secured through former Congressman Delgado will provide service to all roads in the town, with construction expected to begin within 6-12 months.

NEW BUSINESS:

Policy Review – Public Employer Health Emergency Plan, Employee Appointment Policy, & Fair Housing Policy:

Public Employer Health Emergency Plan:

Councilmember Powers noted that the Public Employer Health Emergency Plan incorrectly states the town has no unions, and the Fair Housing Policy contained a spelling error.

Supervisor Houghtling would like to review it and bring it to next month's meeting.

Employee Appointment Policy, & Fair Housing Policy:

A motion was made by Supervisor Houghtling, seconded by Councilmember Tipograph, and approved unanimously with the exception of Councilmember Skerkis who is absent, to mark the Employee Appointment Policy as reviewed with no changes and the Fair Housing Policy as amended to correct the spelling of "procedure."

BAR Resignation & Go Out for Letters of Interest:

Supervisor Houghtling stated, as recognized earlier in the meeting, Dale Ackley has resigned from the BAR and his term expires 9/30/2025. If they are to appoint at the September meeting there is about a year remaining of a five year term.

A motion was made by Supervisor Houghtling, seconded by Councilmember Tipograph, and approved unanimously with the exception of Councilmember Skerkis who is absent, to accept Dale Ackley's resignation and go out for letters of interest for the remainder of the term expiring 9/30/2025, with letters due on or before Friday, September 6th, 2024 at 4:00pm and interviews to be held on September 10th at 5:45pm if multiple applicants apply.

Supervisor Houghtling stated, Robert Weber's seat is up for reappointment this September (9/30/2024), she has reached out to see if he will be looking to be reappointed.

Resolution for MOA between Town of NL and Teamsters Local 294:

Supervisor Houghtling thanked Councilmember Kroboth for her work on the union negotiations team. The board considered approving a memorandum of agreement with Teamsters Local 294 for a new three-year contract effective January 1.

TOWN OF NEW LEBANON

RESOLUTION #16, 2024

RESOLUTION AUTHORIZING APPROVAL OF A MEMORANDUM OF AGREEMENT (MOA) WITH TEAMSTERS LOCAL 294

AUGUST 13, 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 13th day of August 2024, the following Resolution was proposed and seconded:

Resolution by Supervisor Houghtling

Seconded by Councilmember Powers

**RESOLUTION AUTHORIZING APPROVAL OF A MEMORANDUM
OF AGREEMENT (MOA) WITH TEAMSTERS LOCAL 294**

WHEREAS, the Town of New Lebanon entered into a Collective Bargaining Agreement with Teamsters Local 294 (the “Union”) with a term of April 12, 2022 through December 31, 2024; and

WHEREAS, the Town of New Lebanon has negotiated a Memorandum of Agreement (MOA) with the Union to modify the terms of the previous Collective Bargaining Agreement; and

WHEREAS, the MOA is on file with the Clerk’s Office of the Town of New Lebanon and is annexed to this Resolution; and

WHEREAS, among other provisions, the MOA provides for a three (3) year contract term of January 1, 2025, through December 31, 2027; and

NOW THEREFORE, LET IT BE RESOLVED, that the Town Board hereby approves the necessary funding for the implementation of the provisions of the MOA; and

LET IT FURTHER BE RESOLVED, that the Town Supervisor of the Town of New Lebanon is hereby authorized to sign the Memorandum of Agreement between the Town of New Lebanon and Teamsters Local 294, which is annexed to this Resolution and to take all necessary steps to implement the terms of same.

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	Absent

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

Dated: August 13, 2024
Marcie Robertson
New Lebanon Town Clerk

CAC Resignation & Go Out for Letters of Interest:

A motion was made by Supervisor Houghtling, seconded by Councilmember Tipograph, and approved unanimously with the exception of Councilmember Skerkis who is absent, to accept Tyler Fogg's resignation from the CAC and go out for letters of interest due by Friday, September 6th, 2024 at 4:00pm and interviews to be held on September 10th at 5:45pm if multiple applicants apply.

Electrician – Payment & PESH:

Councilmember Powers requested authorization for payment to the electrician upon completion of work at the highway garage.

A motion was made by Councilmember Powers to authorize the supervisor to pay the electrician via interim voucher once the job is complete and prevailing wage documentation is provided to the Town Clerk. The motion was seconded by Councilmember Tipograph.

Roll Call Vote:

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

ANNOUNCEMENTS:

SEPTEMBER:

Tuesday, September 10th, 2024 at 5:45pm- Special Meeting - Interviews

Tuesday, September 10th, 2024 at 6:00pm- Regular Monthly Meeting

Saturday, September 14th, 2024 at 1:00pm – Newcomers Event

Sunday, September 15th, 2024 – 12:00-4:00pm – Music in the Park

Sunday, September 15th, 2024 – 3:00-5:00pm – Bike Program

PRIVILEGE OF THE FLOOR:

In addition to an in-person privilege of the floor, Supervisor Houghtling will read all comments, questions and concerns emailed to supervisor@townofnewlebanon.com during the meeting.

Peg Munves, CAC: Peg asked a question about water testing for the park.

Monte Wasch: Monte expressed concern about FOIL requests affecting the town's budget and legal fees.

Irene Hannah: Irene noted that FOIL issues are affecting many towns in New York, creating financial and time management problems.

Beth LaGrange: Beth commented that the Walter B. Howard Elementary School does not currently have a before and/or after school program.

David McGinness: David thanked the board for moving forward with the community center purchase.

Abbie Shoobs: Abbie suggested utilizing senior volunteers to increase community center hours and announced upcoming community events, including a paddle at Queechy Lake and a community walk at the Shaker Swamp.

Mr. Muadin: (Online): Mr. Muadin addressed several topics, thanking Councilmember Tipograph for her investigation of the justice situation, supporting the community center purchase, congratulating the town on broadband progress, commenting on FOIL requests, and raising concerns about the fair housing policy.

ADJOURNMENT:

A motion was made by Supervisor Houghtling, to adjourn the meeting at 8:09pm. The motion was seconded by Councilmember Powers.

Roll Call Vote:

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

Respectfully submitted,

Marcie Robertson
New Lebanon Town Clerk