

**MINUTES OF THE REGULAR MONTHLY MEETING OF
THE TOWN BOARD OF THE TOWN OF NEW LEBANON
HELD ON DECEMBER 8, 2020**

Present: Tistrya Houghtling, Supervisor
Norman Rasmussen, Councilmember (online)
Deborah Gordon, Councilmember (online @ 7:02 pm)
John Trainor, Councilmember

Absent: Jesse Newton, Councilmember

Recording Secretary: Marsha “Marcie” Robertson, Town Clerk

Others Present: Paul McCreary, Town Engineer
Ed Godfroy, LVPA
Steve Powers, CAC & CSC Chair (online)
Bruce Shenker, NL Rep to CC Enviro Mgmt (online)
Monte Wasch, BEDC Chair (online 7:18 pm)
David Farren, CAC Chair (online 8:16 pm)

CALL TO ORDER:

The meeting was called to order at 7:00 pm by Supervisor Houghtling. A moment of silence was held followed by the flag salute. The meeting was held in person at the New Lebanon Town Hall, 14755 State Route 22 North, New Lebanon, NY 12125, online via google meets and live streamed for the public at:

https://townhallstreams.com/towns/new_lebanon_ny

MINUTES:

The minutes of the **November 4, 2020 Public Hearing on LVPA Contract; November 4, 2020 Public Hearing on LVPA 2021 Budget; November 4, 2020 Public Hearing on Town 2021 Budget; November 10, 2020 Regular Meeting and November 20, 2020 Special Meeting** meetings were reviewed. A motion was made by Supervisor Houghtling, seconded by Councilmember Trainor and approved unanimously except Councilmember Newton who was absent to approve the minutes as typed.

FINANCIAL:

Supervisor’s Report:

Since this was an in person and live streamed meeting the Supervisor’s Report as of November 30, 2020 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 Gordon to accept the Supervisor’s report as typed. The motion was seconded by Councilmember Trainor.

Roll Call Vote:

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

PRIVILEGE OF THE FLOOR:

Supervisor Houghtling stated that she had an email with a concern about a tree on the corner of Spring Hill Road and Main Street, the tree has been

deteriorating for years, coming down in pieces. Years ago, this resident wrote the town asking for help in getting the landowner to remove this hazard. Supervisor Houghtling stated that she encouraged the resident to contact Highway Superintendent Winestock directly because he could determine if it fell within the town's right of way or not, which will determine if the town can and should do something about it or not. Tony Winig stated to Supervisor Houghtling that he is officially requesting this item to be added to the discussion for the Town Board Meeting. Supervisor Houghtling informed Mr. Winig that it wouldn't be added to the agenda but it could be submitted for Privilege of the Floor. Supervisor Houghtling read Mr. Winig's email submission for the Privilege of the Floor:

Thanks, Tistrya. I left a voicemail for Jeff Weinstock at (518) 794-8580 at 2:20PM EST today 30NOV20 asking him if these two trees on north side of Main Street between Cassavant house and corner of Spring Hill Road on Map Parcel # 59 are on the town right-of-way or not. If they are, I request the town have these two mostly-dead trees taken down ASAP. In my opinion, they are a continuing danger to vehicles and walking public due to large falling branches. Most recent example of falling debris was on 17NOV20 per the two attached photos. I ask that this be brought up at the upcoming 08DEC20 town board meeting for purpose of 'privilege of the floor' and read into the meeting record. regards / Tony Winig

Supervisor Houghtling stated that it sounds like Mr. Winig has already contacted Highway Superintendent Winestock, hopefully he can get back to Mr. Winig and they can follow-up at the next meeting if Highway Superintendent Winestock hasn't responded to Mr. Winig directly.

Supervisor Houghtling checked her email and there were no other emails for this privilege of the floor.

CERTIFICATE OF APPRECIATION:

Supervisor Houghtling stated that they had a very special Certificate of Appreciation tonight, our Town Engineer, Paul McCreary is retiring from his service to the town as of December 31st of 2020. Supervisor Houghtling stated that she wanted to give a heartfelt appreciation to Paul for his many years of service to the town. Supervisor Houghtling stated that she has worked with him the whole time that she has been in elected office at the Town Hall and that Paul has been an amazing asset to the town and the community, she is sad to see him go but wishes Paul well on his journey. Supervisor Houghtling continued to say that Paul has always gone above and beyond, there is nothing that Paul won't help the town with. He often spends his own time and does not always invoice for, which Supervisor Houghtling encourages him to put on his invoice. A lot of what Paul does, he does because he really does care about our community. He is often in conversation with Supervisor Houghtling, Cissy Hernandez, CEO, the Planning Board, the Planning Board Chair and he is very active and involved. His work is stellar and top notch, he is so knowledgeable about everything that he does and Supervisor Houghtling is so grateful for everything that Paul has done for our town and community, she hopes that he will stay in touch and not be a stranger.

Town Engineer, Paul McCreary said thank you and that it has been a hoot and it has been his pleasure.

Supervisor Houghtling presented retiring Town Engineer, Paul McCreary with

a Certificate of Appreciation on behalf of the Town Board and the Town.

BUDGET AMENDMENT #9 OF 2020:

Supervisor Houghtling stated that we are moving another \$4,000.00 into the Attorney line from the Attorney litigation line, so in the overall budget they have not increased the attorney fees, the \$15,000.00 that they took out for litigation that is not being used this year other than a small amount, they are moving \$4,000.00 over. Supervisor Houghtling stated that she did talk with the Town Attorney and asked him not to go over his hours of the flat rate of \$1,800 that they pay him every month for the month of December, so if they start getting close to there, the Attorney will let the Supervisor and CEO, Cissy Hernandez know and then they can decide if it is an absolute emergency that they have to use him for or if they can wait until January.

Supervisor Houghtling stated that HR contractual expense is for training, they did training through the County this year.

Supervisor Houghtling stated that the Buildings Equipment was for a new vacuum to replace the old one that died.

Supervisor Houghtling stated that for Central Printing and Mailing they will probably have to do another budget amendment; this was just a line that was just under-budgeted somehow. The \$700.00 on this budget amendment is to cover the current bill for November and we will see what the year end bills are before moving any more money to cover the rest of the bills.

Supervisor Houghtling stated that Superintendent of Highways overdrew his general .4 and she is not sure if he was aware of this or why this happened.

Town Clerk Robertson stated that this may have had to do with the extra cost associated with the purchasing of toilet paper or paper towels, cleaning and disinfecting supplies due to the availability as a result of COVID. The Town Clerk's office often will have to purchase what they can get, when they can get it and that doesn't always allow for price shopping.

Supervisor Houghtling stated that in the highway fund, the state retirement was just under-budgeted. The general account was over-budgeted and the highway account was under-budgeted.

General Fund:

\$ 4,000.00	from A-1420.42 (Attorney – Cont. Exp. Litigation)
\$ 200.00	from A-1620.4 (Buildings – Cont. Exp.)
\$ 901.00	from A-1990.4 (Contingency)
\$ 4,000.00	to A-1420.4 (Attorney – Cont. Exp.)
\$ 150.00	to A-1430.4 (Human Resources – Cont. Exp.)
\$ 200.00	to A-1620.2 (Buildings - Equipment)
\$ 700.00	to A-1670.4 (Central Printing & Mailing – Cont. Exp.)
\$ 51.00	to A-5010.4 (Super of Hwys. – Cont. Exp.)

Highway Fund:

\$11,766.00	from DA-5130.2 (Machinery - Equipment)
\$11,766.00	to DA-9010.8 (State Retirement)

A motion was made by Supervisor Houghtling and seconded by Councilmember Trainor to approve the above noted budget amendment.

Roll Call Vote:

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

AUDIT OF BILLS:

General Nos. 385 through 428, in the amount of \$93,160.23;
Highway Nos. 119 through 128 in the amount of \$41,822.76; and
Escrow Nos. 22 through 24, in the amount of \$1,025.00;
As listed on Abstract No. 12 dated December 8, 2020.

A motion was made by Supervisor Houghtling and seconded by Councilmember Gordon to pay the above noted claims from their respective accounts.

Roll Call Vote:

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

OLD BUSINESS:

Proposed Local Law #4 of 2020 Amending Dog Control Laws:

Supervisor Houghtling stated that they had a Public Hearing before the regular meeting and they didn't hear anything from the public regarding this law.

A motion was made by Supervisor Houghtling to adopt Proposed Local Law #4 of 2020, a local law to amend Chapter 71 of the Code of the Town of New Lebanon as Local Law #4 of the year 2020. The motion was seconded by Councilmember Trainor.

Roll Call Vote:

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

See Addendum A

Highway Asset Management Plan:

Supervisor Houghtling stated that this was adjourned from October to December so that Councilmembers Rasmussen and Newton could get together with Highway Superintendent Winestock and work on it. Councilmember Newton is absent tonight, Supervisor Houghtling asked Councilmember Rasmussen if they had a chance to work on this?

Councilmember Rasmussen stated that they have not. Councilmember Newton was going to meet with Highway Superintendent Winestock and review the inventory before they moved on.

Supervisor Houghtling stated that she did reach out to some other Supervisors for Canaan, Ancram and Copake because they are three towns in the county that are similar to New Lebanon demographically when it comes to dirt roads and road mileage.

Supervisor Houghtling stated that she did receive a nice Equipment List from the Town of Copake which is essentially the same thing we are looking for. The list has information such as year, age, est. replacement year, age at replacement, make, model, mileage, hours, est. replacement cost and VIN.

Supervisor Houghtling stated that she sees their Internationals trucks are replaced around fifteen and twenty years, while the initial document that Councilmember Newton and Highway Superintendent Winestock has our trucks at eight to ten years for the same type of truck. Supervisor Houghtling stated that she is not a professional when it comes to trucks but it seems like maybe we are replacing ours too quickly or we are doing something wrong when it comes to upkeep and maintenance because ours are needing to be replaced around eight years and the other town's trucks are lasting fifteen to twenty years. Supervisor Houghtling stated that if Highway Superintendent Winestock or Councilmember Newton has a reason for this she would love to hear from them.

Supervisor Houghtling stated that with the small trucks the other town has their est. replacement age at ten to twelve years and we have ours at three to four years, so again it is about one third of the time that we are using our trucks.

Supervisor Houghtling stated that the other towns backhoe is twenty-five years old and they don't even have an estimated replacement date and when she asked them about it, they responded that they will use their backhoe until it doesn't work anymore. Our replacement of the backhoe is est. every four to five years, so they are actually getting five times the life of the equipment.

Supervisor Houghtling stated that the other towns tractors are twenty-five to twenty-seven years and ours are eight to ten years. Their grader is thirty-five years old, with no estimated replacement date and ours is every twelve to sixteen years.

Supervisor Houghtling stated that she sees some very significant differences and she thinks they need to know why and she doesn't have the answers to that. Councilmember Newton is absent tonight but Supervisor Houghtling stated that she will follow-up with him to have a conversation with Highway Superintendent Winestock as to why the life of our trucks and equipment is so much shorter than the life of Copake's.

Councilmember Rasmussen stated that he does not have the expertise to know how long the trucks should or shouldn't last. He stated that he is more interested in that the two documents that Copake gave Supervisor Houghtling are the documents that they are trying to work their way through with a list of what we have and how long should they expect it to last. The other document where they put out how much money they will have to put into the equipment fund to plan for the future equipment needs.

Supervisor Houghtling stated that she did talk to the Copake Supervisor about if their Highway Superintendent is allowed to purchase equipment up to a

certain threshold, which the Town Board is allowed to do but they have not done this yet. Both Copake and Ancram have and are up to \$5,000.00. Copake only ever puts \$10,000.00 in the equipment line and put everything else in general because you can always move money from general to highway but not the other way around. Even if they are planning to buy a piece of equipment outright, they will keep the funds in general and only move it over once the Town Board has approved the purchase through a Purchase Resolution.

Extend Temporary Sign Regulation:

Supervisor Houghtling stated that they currently suspended it until December 15th, 2020 and they discussed not ending the extension before the holidays. Supervisor Houghtling suggested extending it until February 15th, 2021.

Councilmember Trainor asked if there have been any reactions to this, comments or suggestions?

Supervisor Houghtling stated that she has heard from a few business owners that they are very glad that the Town Board has done this but they have not put up any additional signs and she stated that she has encouraged them to do so.

Supervisor Houghtling stated that it doesn't seem to her that anyone is utilizing it but they did say that they are appreciative that the Town Board went out of their way to acknowledge that they are struggling and that they can do it if they want to.

A motion was made by Supervisor Houghtling to extend the temporary sign regulations as they currently sit through February 15, 2021. The motion was seconded by Councilmember Trainor.

Roll Call Vote:

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

Pavilion Bathroom Contract – Extended to 12/11/2020 Status:

Supervisor Houghtling stated that the Town Board had extended it until December 11th with the hopes that they wouldn't have to extend it again. There were some extenuating circumstances with COVID, obtaining needed materials and getting needed workers to complete the work. Councilmember Newton is not present tonight, so Supervisor Houghtling read Councilmember Newton's comment on this topic.

Councilmember Newton wrote that Billy Banker got back to Councilmember Newton and he has not done anything at the pavilion bathrooms since the last meeting on this.

Supervisor Houghtling stated that she spoke to Town Engineer, Paul McCreary regarding this matter, obviously there have been extenuating circumstances on this job but her only concern is that it has been over a year since the start of this project. Supervisor Houghtling stated that the contractor is a local community member and she is not looking to jam anyone up, but she is a little concerned that if they just keep extending it and nothing is getting done, she doesn't want to get into next spring without the new bathrooms done.

Supervisor Houghtling referred to Town Engineer Paul McCreary on this to see if he had any insight to offer on this.

Town Engineer, Paul McCreary stated that the situation is obviously difficult, this is not something that any contractor has ever been prepared for and it is very true that there are certain materials that have gone up in price and are slim pickings. His gut reaction is to have the contractor come in and identify exactly where the issues are. The Town has to move forward thinking that the park will be open in the springtime, so let's find out exactly where the issues are and then the board will know more. If it is indeed a price increase for materials issue, then you will also have the difficult conversation with the contractor to be able to say prices have changed and maybe a happy medium can be met so that the town gets the bathrooms completed and the town is not hurting the contractor for reason that are beyond his control. Changing contractors isn't necessarily going to have a different outcome because they will come up against the same issues.

Supervisor Houghtling stated that this is a local contractor who has a great working relationship with the town and has always done good work for the town, so they are certainly not looking to jam him up but she also doesn't want to end up without bathrooms in the spring.

The board all agreed to move forward this way and have the contractor attend the January meeting.

A motion was made by Supervisor Houghtling to extend the contract until January 31, 2021. The motion was seconded by Councilmember Trainor.

Roll Call Vote:

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

NEW BUSINESS:

Authorization to Enter into the Proposed 2021 Contract with LVPA:

Supervisor Houghtling stated for the record that her husband is a member of the LVPA Board and therefore she will be recusing herself from the conversation and the vote.

Councilmember Trainor asked if there were any comments or issues? He stated that they have been over this, and he thinks that Ed Godfroy, LVPA is in agreement and everyone else is as well.

A motion was made by Councilmember Trainor that the Town of New Lebanon, Deputy Supervisor, Mr. Banker sign the contract and enter into the fire protection agreement with the LVPA for 2021. The motion was seconded by Councilmember Rasmussen.

Roll Call Vote:

Councilmember Rasmussen -	Aye
Councilmember Gordon -	Aye
Supervisor Houghtling -	Abstain
Councilmember Newton -	Absent

Equipment Purchasing by Highway Department Resolution:

Supervisor Houghtling read the following Resolution:

TOWN OF NEW LEBANON

RESOLUTION #26, 2020

EQUIPMENT PURCHASING BY HIGHWAY DEPARTMENT

DECEMBER 8, 2020

At the regular monthly meeting of the New Lebanon Town Board, held via video and teleconference, duly called and held on the 8th day of December 2020, the following Resolution was proposed and seconded:

Resolution by Supervisor Houghtling

Seconded by Councilmember Rasmussen

EQUIPMENT PURCHASING BY HIGHWAY DEPARTMENT

WHEREAS, the Town Board of the Town of New Lebanon was recently presented with a voucher seeking payment for a 2020 backhoe; and

WHEREAS, the purported transaction underlying said voucher provided for a total purchase price of \$99,820.00, with such purchase price to be paid in part by trading in the Town's 2015 backhoe at a trade-in allowance of \$50,000 and payment by the Town drawn on Town funds from the Highway Budget in the amount of \$49,820.00; and

WHEREAS, Highway Law § 142 (1) requires Town Board approval for the Town Highway Superintendent to purchase equipment, tools and other implements to be used for highway maintenance, construction or reconstruction, snow ploughs, or other devices for the removal of snow from highways from moneys appropriated for that purpose; and

WHEREAS, Highway Law § 142 (5) requires Town Board approval of the sale, exchange, surrender or trade-in of machinery, tools, implements and equipment prior to the Town Highway Superintendent disposing of such machinery, tools, implements and equipment;

WHEREAS, following a diligent and thorough review and investigation of the purported transaction and underlying circumstances as part of its voucher auditing procedure, the Town Board determined that neither the purchase of the 2020 backhoe nor the disposition of the Town's 2015 backhoe was authorized or approved by the Town Board; and

WHEREAS, in response to the Town Board's inquiry concerning the validity of the underlying transaction for which payment was being sought, the Town Highway Superintendent asserted that he believed he was authorized to purchase the 2020 backhoe because, in part, his purchases of salt, sand and other materials has never previously been questioned, and, in part, because the Town Board in office in 2019, during the budget adoption process for 2020, appropriated up to \$50,000 to be expended on a backhoe; and

WHEREAS, the Town Board has reviewed and considered the Town Highway Superintendent's assertions; and

WHEREAS, contrary to such assertions, the Town Highway Superintendent has sought and obtained approval for equipment purchases in the past as shown in the minutes excerpts and resolutions collectively annexed hereto as ***Exhibit A***; and

- WHEREAS, the Town Board finds that the Town Highway Superintendent's assertions are also contrary to the history of this particular transaction as shown in the minutes excerpts annexed hereto as **Exhibit B**; as summarized below; and
- WHEREAS, in this particular case, the Town Highway Superintendent attempted to obtain approval of the purchase of the 2020 backhoe at issue from this Town Board over the course of several months this year; and
- WHEREAS, in response to various requests to authorize the purchase of the 2020 backhoe, the Town Board never voted in favor of approving either the purchase of the 2020 backhoe or the trade-in of the 2015 backhoe; and
- WHEREAS, at various points during such discussions, particular Town Board members made clear that the purchase of the 2020 backhoe required Town Board approval; and
- WHEREAS, in an effort to accommodate the Town Highway Superintendent's request for the Town Board's approval of the purchase of the 2020 backhoe, certain Town Board members expressed consideration of voting in favor of approving the purchase if the Town Highway Superintendent was able to sell surplus highway equipment (other than the 2015 backhoe, which had not been declared surplus); and
- WHEREAS, in an effort to accommodate the Town Highway Superintendent's request for the Town Board's approval of the purchase of the 2020 backhoe, the Town Board declared four pieces of highway equipment (none of which included the 2015 backhoe) as surplus at the Town Highway Superintendent's request and authorized their sale through bidding with Auctions International; and
- WHEREAS, thereafter, the Town Highway Superintendent suddenly rescinded his authorization of the sale of such four pieces of surplus equipment, and requested that only two of such four pieces of equipment be sold and that such sales be made through advertisement in the local newspaper rather than through Auctions International; and
- WHEREAS, at no point did the Town Board declare the 2015 backhoe as surplus equipment, nor did the Town Board at any point authorize its disposition by sale, trade-in, or otherwise; and
- WHEREAS, in light of the above facts and circumstances, both with respect to prior purchases made by the Town Highway Superintendent and with respect to attempts by the Town Highway Superintendent to obtain Town Board approval of the referenced transaction in particular, all as evidenced in Exhibit A and Exhibit B hereto, the Town Board finds the Town Highway Superintendent's assertions that he allegedly believed he either was authorized to engage in the referenced transaction or that Town Board approval was unnecessary for the referenced transaction to be lacking in credibility; and
- WHEREAS, in the event the Town Highway Superintendent legitimately believed that he was either authorized to engage in the referenced transaction or that Town Board approval for the referenced transaction was unnecessary, the Town Board deems it to be in the best interest of the Town to make a clear, direct, and unequivocal statement concerning transactions involving highway equipment;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. Pursuant to Highway Law § 142 (1), no purchase of highway equipment, tools or other implements to be used for highway maintenance, construction or reconstruction, snow ploughs, or other devices for the removal of snow from the highways may be made without the express approval thereof by an affirmative vote of the Town Board of the Town of New Lebanon in favor of such purchase at a duly authorized, called and held meeting. Moneys appropriated for the purchase of equipment (even if itemized) in the Town budget and the Town Board's vote in adopting or amending the Town budget shall not constitute Town Board approval of a purchase governed by this paragraph or by Highway Law § 142 (1).
2. Pursuant to Highway Law § 142 (5), no sale, exchange, trade-in, surrender, or other disposition of machinery, tools, implements or equipment of the Town Highway Department shall be made without first obtaining the express approval thereof by an affirmative vote of the Town Board of the Town of New Lebanon in favor of such sale, exchange, trade-in, surrender, or other disposition at a duly authorized, called and held meeting.
3. Transactions involving both (a) a purchase governed by paragraph 1 of this Resolution and Highway Law § 142 (1) and (b) a trade-in or other disposition governed by paragraph 2 of this Resolution and Highway Law § 142(5) shall require express Town Board approval of both such aspects and shall comply in all respects with both paragraphs 1 and 2 of this Resolution and Highway Law § 142(1) and (5).
4. All transactions governed by this Resolution and Highway Law § 142 shall strictly comply with the provisions thereof in all applicable respects. Any transactions governed by this Resolution and Highway Law § 142 but purportedly entered into without such strict compliance shall be null, void, and of no legal effect as against the Town of New Lebanon. If any person, including the Town Highway Superintendent, engages or purports to engage in any transaction in violation of any applicable provisions of this Resolution or Highway Law § 142, such violation(s) may be deemed by the Town Board of the Town of New Lebanon to be intentional, in violation of the public trust, a gross dereliction of duty and an abuse of authority, and the Town Board of the Town of New Lebanon reserves the right to pursue any and all remedies available under law, including without limitation, seeking civil recovery of damages incurred as a result and seeking removal of office.

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

Roll Call Vote:

Councilmember Norman Rasmussen	Aye
Councilmember Deborah Gordon	Aye
Supervisor Tistrya Houghtling	Aye
Councilmember Jesse Newton	Absent
Councilmember John Trainor	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: December 8, 2020
Marcie Robertson Town Clerk
Town of New Lebanon

See Exhibit A and Exhibit B attached

Town Clerk Robertson was instructed to sign and seal a copy of the Resolution and put into Highway Superintendent Winestock's mailbox.

Fee Resolution:

Supervisor Houghtling stated that they had a few fees added such as the fire inspections fees and the C of O fees and there were a few fees changed such as the dog fees. This is one of the Town Policies that has to be reviewed annually so it is being reviewed and updated with the fee changes.

**TOWN OF NEW LEBANON
RESOLUTION #27, 2020
ADOPTION OF TOWN OF NEW LEBANON FEE SCHEDULE
DECEMBER 8, 2020**

At a regular meeting of the New Lebanon Town Board, held at the New Lebanon Town Hall, 14755 NYS Route 22, New Lebanon, New York, duly called and held on the 8th day of December, 2020, the following Resolution was proposed and seconded:

Resolution by Supervisor Houghtling
Seconded by Councilmember Trainor

ADOPTION OF REVISED FEE SCHEDULE

WHEREAS, the Town Board of the Town of New Lebanon deems it to be in the public interest to amend the Town's existing fee schedule;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby approves and adopts the Town of New Lebanon Fee Schedule, a copy of which is annexed hereto; and

BE IT FURTHER RESOLVED, that the Town of New Lebanon Fee Schedule as annexed hereto and adopted hereby shall supersede all previous fee schedules of the Town of New Lebanon to the extent same is inconsistent therewith; and

BE IT FURTHER RESOLVED, that the Town Clerk shall maintain a copy of this Resolution and the fee schedule adopted hereby, and shall make same available for copying and inspection in accordance with law and as the Town Board may direct.

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

Roll Call Vote:

Councilmember Jesse Newton	Absent
Councilmember Norman Rasmussen	Aye
Councilmember Deborah Gordon	Aye
Councilmember John Trainor	Aye
Supervisor Tistrya Houghtling	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: December 8, 2020

Marcie Robertson

Town Clerk

Town of New Lebanon

Town of New Lebanon Fee Schedule

Fees Derived from Code

The fees referred to in the Code sections enumerated below shall be as follows:

Chapter 71, Animals

Single-Year Application	Application Fee/ Senior Citizen Discount	Mandatory Surcharge	Total Fee/With Senior Citizen Discount
For each dog that is spayed or neutered	\$6.50/5.50	\$1	\$7.50/\$6.50
For each dog that is unsprayed or unneutered	\$12.50/\$10.50	\$3	\$15.50/\$13.50
Optional Three-Year License (When Qualified)	Application Fee	Mandatory Surcharge	Total Fee

For each dog that is spayed or neutered	\$12.75	\$3	\$15.75
For each dog that is unsprayed or unneutered	\$23.55	\$9	\$32.55

**Impoundment Fees: Seizure Fee + Shelter Fee + Emergency Veterinary
Costs/Expenses**

Seizure Fee

First Offense in 1 year period	\$20
Second Offense in 1 year period	\$30
Each Offense Greater than 2 in 1 year period	\$50

Shelter Fee

Per day fee (first ten days)	\$35/day
After tenth day, add'l flat fee	\$300

Any impoundment fees not paid to C-G Humane Society shall be remitted to the Town

Chapter 81, Building Code Administration

§ 81-4K Building Permits

Roofing Permit	\$50.00
Heating Appliance Installation Permit	\$50.00
New Electric Service Installation Permit	\$50.00
Demolition Permit	\$35.00
Driveway Permit (for driveways regulated under Uniform Building and Fire Prevention Code)	\$50.00
All Other Building Permits	Depends on cost; \$50 minimum
Cost of up to \$2,000	\$50

Cost above \$2,000 \$50.00, plus \$4.00 per \$1,000 of additional estimated cost or fraction thereof

§ 81-4I Renewals of Building Permits

First Renewal (12 months)	\$50.00
Second Renewal (Additional 12 months)	50% of original permit fee; \$50.00 minimum
Additional Renewals (Each additional 12 months)	50% of original permit fee, plus 5% of original permit fee for each renewal obtained beyond first 2 renewals; \$50.00 minimum

§ 81-5D Special Inspection \$50.00

§ 81-7F Certificates of Occupancy

Single-Family and Two-Family Residential	\$50.00
All Other Structures/Occupancies	Depends on project cost
Project cost of up to \$100,000	\$100.00
Project cost of more than \$100,000 but not more than \$150,000	\$150.00
Project cost of more than \$150,000	\$200.00

§ 81-10G Operating Permit \$100.00

§81-11D Firesafety/Property Maintenance Inspections \$50.00 per unit (i.e., per tenant space, per building, etc.)

§81-13B Certificate of Occupancy/Compliance Search \$50.00

Chapter 88, Campgrounds

§ 88-5C Camping ground license fees

At the time of application for the permit \$25

Upon issuance of the license	\$5 per site based upon the maximum number of sites shown in the application
Minimum fee	\$25

Chapter 101, Entertainment, Public

§ 101-12 License application fee	\$200
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Chapter 129, Junkyards

§ 129-5A Application/Renewal	\$100
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Chapter 145, Mobile Home Parks

§ 145-7 Mobile home park license fees	
At the time of application for the permit	\$25
Application/Renewal	\$20 per site

Chapter 152, Parks and Recreation

§ 152-3 Pavilion rental fee	
Resident	\$50
Nonresident	\$150

Chapter 179, Subdivision of Land

§ 179-6A(7) and C	Application subdivision	for	minor	\$100 plus \$50 per lot
§ 179-8A	Application subdivision	for	major	\$500 plus \$50 per lot

Chapter 185, Taxation

§ 185-1	Charge for mailing second (or subsequent) notices			\$2
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Chapter 205, Zoning

§ 205-11B	Zoning Permit Application			\$25.00
§ 205-11C	Certificate of Compliance	of	Zoning	\$50.00
§ 205-12C	Appeals to ZBA (including interpretations, use variance, and area variance applications)			\$35.00
§ 205-13C	Special Use Permit Application			\$50.00
§ 205-14E	Site Plan Application			\$50.00

Additional Fees

Subject	Fee
Marriage license (see Domestic Relations Law § 15)	\$40
Marriage transcript	\$10
Death transcript	\$10
Birth transcript	\$10
Individual Town Code chapters and individual ordinances	\$5 per booklet plus \$0.50 per page to a maximum fee of \$25 per booklet
Town History books	\$15

Subject	Fee
Comprehensive Plan copies	
Color copy	\$35/copy
Black-and-white copy	\$25/copy
Summer Youth Program ^{1,2,3}	
Early registration fees (applicable where final payment is received by June 15)	
Resident (Town taxes paid to New Lebanon)	
1 child	\$480/season
2 children	\$720/season
3 children	\$882/season
4 or more children	\$1002/season
Local nonresident (Town taxes not paid to New Lebanon; school taxes paid to NLCS D)	
1 child	\$810/season
2 children	\$1,200/season
3 children	\$1,620/season
4 or more children	\$1,920/season
Nonresident (Town taxes not paid to New Lebanon; school taxes not paid to NLCS D)	
Per child	\$1,620
Registration Fees (applicable where final payment is not received by June 15)	
Resident (Town taxes paid to New Lebanon)	
1 child	\$600/season
2 children	\$900/season
3 children	\$1,102/season
4 or more children	\$1,252/season
Local nonresident (Town taxes not paid to New Lebanon; school taxes paid to NLCS D)	
1 child	\$1,013/season
2 children	\$1,500/season

¹ Additional fees will be charged for on-site and off-site programs and field trips. These fees will be set by the Summer Youth Camp Director based on the cost of the program or field trip.

² Registration fees will be waived for children of Town of New Lebanon employees.

³ Registration fees must be paid for the entire season. Participation for only part of the season will not result in discounted registration fee.

Subject	Fee
3 children	\$2,025/season
4 or more children	\$2,400/season
Nonresident (Town taxes not paid to New Lebanon; school taxes not paid to NLCSD) Per child	\$2,025
Swim Program Fees	\$40 per session \$70 for two sessions
Returned check ⁴	\$20

Set Date for Annual Audit of the Books for 2020:

The annual audit of the books for 2020 is scheduled to take place on Tuesday, January 12th, 2020 at 6:00 pm.

Policy Review – Sexual Harassment & Workplace Violence:

Supervisor Houghtling stated that we did recently do a training and she wanted to see if there was any feedback on the policies, she did not receive any. She looked through both and she did not see anything that should be changed. The person from the County that trained us on it looked through both and nothing jumped out at her. Any questions on either policy? No questions from the Town Board.

A motion was made by Supervisor Houghtling for both the Workplace Violence Prevention Policy and the Sexual Harassment Policy to mark them as reviewed by the Town Board and adopted with no amendments on today's date. The motion was seconded by Councilmember Trainor and agreed upon unanimously with the exception of Councilmember Newton who is absent.

See Addendum B and C

Purple Heart Community Resolution:

Supervisor Houghtling stated that we have Senator Daphne Jordan's office reaching out regarding the town becoming a Purple Heart Community and getting the Purple Heart Community Designation. It is basically an acknowledgment and recognition. Supervisor Houghtling read the following from the letter:

I write following up on a wonderful opportunity for your municipality to be recognized as a "Purple Heart Community" to further salute the selfless service and courageous sacrifice of America's armed forces. Our goal for 2020 is to join several

other states to become a Purple Heart State. It all begins at the local municipal level. Several municipalities in our district have already passed resolutions to become a Purple Heart Community. Our nation's oldest military honor, the Purple Heart is a combat decoration awarded to members of United States armed forces wounded in action and posthumously awarded to the next of kin in the name of those killed in action or die of wounds received in action. I am collaborating with Dave Wallingford, Commander of Chapter 446 of the Military Order of the Purple Heart, in this non- partisan, grassroots effort. Enclosed is a sample resolution that you may consider utilizing to designate your municipality as a Purple Heart Community. Once the resolution is completed, please consider its placement on the agenda for your next public meeting. Doing so will provide ample time to contact veterans' organizations to attend the meeting, and an opportunity to reach out local newspapers, radio, TV to publicize the event.

Supervisor Houghtling stated that it can also include the placement of a sign that the town purchases for \$100.00, it is not a requirement but it is something we can do.

Supervisor Houghtling stated that we recently passed the Veterans Flag Program, which we already have some orders for so come spring those flags will go up, she thinks this goes hand in hand with that. Supervisor Houghtling asked if any board members have any questions? There were no questions from the Town Board.

Supervisor Houghtling asked is the Town Board was supportive of her preparing a Resolution for the Town of New Lebanon? Supervisor Houghtling stated that this is really a 2020 thing and is hopeful that we could do it at the Year End Meeting, that would be preferable, so that it can be adopted in 2020.

The Town Board agreed. Supervisor Houghtling stated that she will prepare that for the Year End meeting and let Senator Jordan's office know.

Speed Limit Sign Requests:

Supervisor Houghtling stated that Canaan Road, which is the road that she lives on, in full transparency, had the speed limit reduced down to 35mhp passed back in August of 2017 and those speed limit signs never got put up, which is the town's responsibility. Supervisor Houghtling stated that when she was the Town Clerk, she had asked Highway Superintendent Winestock a few times to get those speed limit signs put up. Supervisor Houghtling stated that she had a neighbor approach her a few weeks ago asking her what she could do to get the signs put up, which she advised her that the best path is to write to Highway Superintendent Winestock directly and to CC the Town Board on those requests. They did receive five requests from residents on Canaan Road, she stated that she did receive a text from Councilmember Newton and read the following:

Councilmember Newton stated in his text to Supervisor Houghtling that he was going to mention in liaison reports that County is coming out to mark sign placement for Canaan Road signs. Councilmember Newton stated that Highway Superintendent Winestock wanted to thank the residents for reminding him about it, it fell through the cracks, he thinks.

Supervisor Houghtling stated to all of the community members who wrote in about that, it looks like Highway Superintendent Winestock is going to make that a priority and get those up ASAP, so thank you Jeff and thank you to Jesse and thank you to all of the residents who took the time to write to your elected officials.

Councilmember Trainor asked how many signs?

Supervisor Houghtling stated that she doesn't know, she thinks it is a sign every certain distance but she doesn't know what the requirements are.

Councilmember Trainor stated that he received an individual email from two gentlemen down on Canaan Road as well but doesn't recall their names at the moment.

COMMITTEE/LIAISON REPORTS:

Assessor (Councilmember Rasmussen):

Councilmember Rasmussen stated no news to report.

Building Department (Councilmember Newton):

Supervisor Houghtling stated that Councilmember Newton is absent for the Building Department.

Business & Economic Development (Councilmember Gordon):

Monte Wasch stated that the BEDC had a meeting last night and the sole item on the agenda was to consider what their plans will be for the next year. They had a very comprehensive report from Ted Salem of the Comprehensive Plan Revision Committee about their efforts and how they might affect the Business and Economic goals for 2021. Monte stated that he is going to wait for the summary prepared by the wonderful, Sharon Powers before assembling a review of the meeting results and circulating it to the board and the committee members. Monte stated the he has suggested their next meeting be on January 18th, 2021 if that does not conflict with any other town activity.

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

David Farren, CAC Chair stated that the CAC has not had their monthly meeting yet, it will be next Monday. David stated, carrying forward from last months meeting, the big topic has been the water study in town and working with the NYS Department of Health. NYS DOH had a conversation with the CAC about a week and a half ago and they are willing to do up to fifteen to twenty comprehensive tests in town, courtesy of a grant he believes that they received from the CDC and there is no time limit to this. They are planning to wait

until after winter and the weather improves, he believes to do the actual testing. The testing shouldn't take more than two days because they are not that far from New Lebanon, the well testers are based at the DOH in Albany.

David stated to Supervisor Houghtling that she was going to reach out to certain landowners and maybe she could give an update.

Supervisor Houghtling stated that they have their meeting tomorrow at 10:00AM, so she'd rather wait to update the board until after their meeting. Steve Winkley helped them define a list of landowners that they would potentially want to be testing because they are down gradient of some of the areas of concern like to old Bouchard Junkyard. Supervisor Houghtling stated that she has been reaching out to some of those community members because they want to choose people who are willing to share their results with the town. Supervisor Houghtling stated that David, Steve, Peg and herself are meeting tomorrow morning.

Supervisor Houghtling stated that what is know as the fire pond at the old Ceramtech and the old Bouchard Junkyard are the two areas of concern that were defined. They are going to do two to three properties per area of concern, Steve came up with a list of about ten per each. Supervisor Houghtling stated that again they are looking for community members that are willing to share those results with the town before they make recommendation to DEC and DOH as to which wells, they think should be tested.

Steve Powers, CSC Chair stated that the CSC Solar subcommittee has finished the vetting process of the potential partners for the community solar program for the town and community. We have determined that the best company to work with is Ampion which is based in Boston. They will provide a 10% discount for the town and each residence that signs up. In addition, they will offer a \$100 donation to the town for each residential signup towards a program of the town's design. Their customer relations are excellent and most importantly they have the capacity and agreement with NYSEG to handle the town and many residents NOW which none of the other companies that we vetted did. . The CSC Task Force as a whole has approved this as well.

We are requesting that the Town Board approve working with Ampion and if so, Ampion has asked the town to sign the agreements previously emailed. (I knocked the consumer agreement off since it doesn't apply.) They have also requested to see 3 years of audited town balance statements.

Supervisor Houghtling asked Steve if he is looking for a motion to authorize the CSC to move forward with Ampion and to authorize her to enter into the agreement and to provide three years of financials? Steve replied that is correct. Supervisor Houghtling stated that because it is authorizing her to enter the agreement another board member has to make the motion.

A motion was made by Councilmember Trainer to authorize the CSC to move forward with Ampion and to authorize Supervisor Houghtling to enter into the agreement and to provide three years of financials. The motion was seconded by Councilmember Rasmussen and agreed upon unanimously with the exception of Councilmember Newton who is absent.

Steve Powers stated that the CSC wants to start a Buy Local/Buy Green program which will get us points towards our Bronze goal. We would like to work with the Farmers Market which will promote our goals via their weekly emails and in the future at in person markets. We ask the town board's approval of this action.

Supervisor Houghtling stated that she doesn't think they need a motion for this, just that the Town Board is in favor of this action. Steve replied that is fine.

The present Town Board members agreed that this was good and fine for the CSC to proceed.

Steve Powers stated that another action that they would also like to start a Waste Reduction Education campaign that will get us points. This will encourage residents to recycle their cans and bottles via Michael Carey's new recycling center on the mall as well as our ongoing composting efforts.

Supervisor Houghtling stated that again they do not need a motion on this as it is not a contract, but do any Town Board members have any objection to a Waste Reduction Education Program?

The present Town Board members agreed that this was good and fine for the CSC to proceed.

Steve Powers stated that another action that will generate points for the CSC is Interior Lighting Upgrades for town buildings. It will provide for 70% of costs incurred repaid by NYSEG and I'm sure the savings will far exceed the difference as we've found on the LED street lights. So, we'd like to ask the Board to pass a motion approving the CSC to follow-up on this.

Supervisor Houghtling asked Steve Powers if there was a grant application on this?

Steve Powers responded that there is but according to Jill it is farther down the line and Jill didn't think that needed to be approved now.

Supervisor Houghtling stated that they can just approve the program and when the grant is ready to be applied for, the CSC can come back to the Town Board for approval.

A motion was made by Supervisor Houghtling authorizing the CSC to move forward working with NYSEG on an interior lighting upgrade program for the Town Hall and Town

facilities and for herself as Town Supervisor to enter into any agreement required for such upgrades. The motion was seconded by Councilmember Gordon and approved unanimously with the exception of Councilmember Newton who is absent.

Supervisor Houghtling asked Steve Powers if he received the mileage and hours information that he was looking for on the highway equipment inventory? She knows he reached out to Councilmember Newton on this and was checking to see if Steve had received the information needed or communication from Councilmember Newton. Steve Powers replied that he has not yet received the information he had requested but he has heard from Councilmember Newton and he stated that he was working on it and hoped to have the information to Steve that day.

Supervisor Houghtling asked Steve Powers if he needed anything from the Town Board on the grant application that he was working on. Steve replied that he had the forms that Supervisor Houghtling had signed and they needed and they had a deadline of December 14th and he will submit the application before that deadline.

Bruce Shenker, Environmental Management stated that he wanted to inform everyone that Columbia County is now part of the Climate Smart Communities Program. The committee meets on Thursday to begin the process.

Bruce Shenker stated that this is out of our area but might be of interest, the Shepherds Run Solar Farm, it is quite larger and it is in opposition but there are two sides to it and tomorrow there is an open house that is open to the public and hopefully it will be posted on the Climate Smart Community Facebook page.

Bruce Shenker mentioned that his appointment is up and stated that he would like to continue if the town will have him.

Supervisor Houghtling stated that personally, she would love to have him continue and appreciates all of his hard work. The appointments will take place at the Organizational Meeting in January. She will put him down as a reappointment.

Fire, Law Enforcement & Emergency (Councilmembers Newton & Trainor):

Councilmember Trainor stated nothing to report this month that most of the work was done before the budget came out.

Highway (Superintendent Winestock & Councilmembers Newton):

Supervisor Houghtling stated that Highway Superintendent Winestock and Councilmember Newton are not present to report on the Highway but she wanted to put something on the record. Supervisor Houghtling stated that at a Special Meeting on November 20th, 2020, the Town Board did reiterate Highway Law 142, which requires Town Board approval for all equipment purchases and both Councilmember Newton and Highway Superintendent Winestock brought up the concern of a chainsaw breaking during a storm, not being able to

buy that without the Town Board holding a meeting. Supervisor Houghtling stated that she did let Highway Superintendent Winestock know that she would love to hear from him as far as what he thought that threshold should be and that she would certainly be open to passing a small amount that he could buy without Town Board approval. Supervisor Houghtling stated that both Ancram and Copake have allowance of up to \$5,000.00 for a piece of highway equipment. Supervisor Houghtling stated that as of right now she has not heard any request from Highway Superintendent Winestock, so she just wants to put it on the record that she has put it in his hands as far as coming to the board with a request as to what he thinks that threshold should be and then the board can discuss it, but as of right now, no request has come from Highway Superintendent Winestock.

Historian & LVHS: (Councilmembers Trainor):

Councilmember Trainor stated that not much is going on, some individuals on the board are doing research. Glenn Fisher is doing work on Jessie Torey. Things seem to be going well with the Town Historian.

Justice Court/Constable (Councilmember Trainor):

Councilmember Trainor stated that the court is the same, it seems to be going along well.

Library (Councilmember Trainor):

Councilmember Trainor stated that Moriah gets a lot of publicity out and she is still continuing with the program that she started with dramatic reading of scripts. The first one went pretty well. She has a script of the Christmas Carol that she is trying to get organized. There is a board meeting on Thursday.

Buildings, Parks & Recreation (Councilmembers Newton):

Councilmember Newton is absent.

Seniors (Councilmember Gordon):

Councilmember Gordon stated that the seniors are staying home.

Volunteers (Councilmember Rasmussen):

Councilmember Rasmussen stated that he has made the first round of assembling the various lists of volunteers that he was provided with, they have just over a hundred on the list so far and he is certain that there are others that he hasn't yet been able to include. He stated that it is a wonderful affirmation of the number of people for a town of 2,400 people, if a hundred are regularly volunteering, he thinks that is a very positive statement for the town.

Councilmember Rasmussen only has email addresses for eighty-nine of the people on the list and he has sent a brief questionnaire to them via email, he has thirteen responses so far. Hopefully he will receive more in the next week or two. So, the directory of volunteers has been started and he will update the board next month as to the progress.

Project Management (Councilmember Rasmussen):

Councilmember Rasmussen stated that although he likes the idea of project management he thinks that it is pretty clear that it has not produced any of the desired effects and hasn't really added a lot to the equation and he suggests that they drop this from their lists of things to be working on so that they can focus more on things that are actually providing a benefit.

Supervisor Houghtling asked if any other board members had any problem with that and no one did.

Supervisor Houghtling mentioned to Councilmember Rasmussen that since they are dropping the project management, maybe he can work with Councilmember Gordon on a town by town comparison of what they are doing better and what are we doing better that we can share.

Supervisor Houghtling stated that every couple of year the County comes out with a town by town comparison but she warns to use this list with a very careful caveat because sometimes you can look at that and say "wow, our Town Clerk's office is way over budgeted" but without knowing what the Town Clerk's office does in each town, because it is very, very different. Some Town Clerk's offices are open one day a week for four hours and have hardly any business. She thinks it is a good thing to look at how other towns are doing things but it's not just a black and white scenario.

ANNOUNCEMENTS:

December:

Tuesday, December 29, 2020 at 6:00 pm – Year End Meeting

January:

Friday, January 1, 2021 at 10:00 am – Organizational Meeting

Tuesday, January 12th at 6:00 pm – Annual Audit of the books

Tuesday, January 12th at 7:00 pm – Regular Monthly Meeting

PRIVILEGE OF THE FLOOR:

In addition to an in-person privilege of the floor, Supervisor Houghtling will read all comments, questions and concerns emailed to supervisor@townofnewlebanon.com during the meeting. Supervisor Houghtling stated she has not received any emails from anyone online.

ADJOURNMENT:

A motion was made by Supervisor Houghtling and seconded by Councilmember Trainor and approve unanimously with the exception of Councilmember Newton who is absent to adjourn the meeting at 8:12 pm.

Respectfully submitted,

Marcie Robertson

New Lebanon Town Clerk

EXHIBIT A

planning and to go out for bond information. Councilmember Rasmussen seconded the motion.

Roll Call Vote:

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

Music In The Park:

For the past three years, Doug Banker has been volunteering to coordinate music in the park, unfortunately he no longer has the time to do this. Supervisor Houghtling acknowledged and thanked Doug Banker for his countless hours of volunteer work to ensure the success of this event and presented him with a Certificate of Appreciation. Supervisor Houghtling stated that we are in need of someone to take care of the music piece, the Recreation Commission she thinks can take on the set up and the food and drink vendors. Monte Wasch volunteered to take over Doug's role in music in the park.

Behan:

Supervisor Houghtling remembers past Supervisor Teal talking about this grant that we were owed. Supervisor Houghtling called Behan to follow up and confirmed that yes they do owe us a grant. Behan is looking into the specifics of what the grant can be used for and will get back to us. Supervisor Houghtling suggested a skate park. Councilmember Newton agreed that a skate park would be a great idea.

A motion was made by Councilmember Newton, seconded by Councilmember Trainor and approved unanimously authorizing Supervisor Houghtling to work with Behan to see what is available for grants for a skate park.

NEW BUSINESS:

Highway 284 Agreement:

Supervisor Houghtling asked Highway Superintendent Winestock if he knew what roads he would be working on. Highway Superintendent Winestock expressed his concerns and disagreement with the Highway 284 Agreement. Supervisor Houghtling did reach out to the Association of Towns with his questions and they said that Highway Superintendents go based on last year's figures from CHIPS, Extreme Winter and Pave NY and then when the state budget comes out they amend it by resolution. We are to take our best estimation of what roads will need repair and if that change the Highway Superintendent will just go to the Board and ask for the changes. Supervisor Houghtling stated that the State Law says we are not allowed to authorize any payments out of the highway accounts without having the signed Highway 284 Agreement. Supervisor Houghtling will work with Highway Superintendent Winestock to complete the agreement.

**MINUTES OF THE SPECIAL MEETING OF
THE TOWN BOARD OF THE TOWN OF NEW LEBANON
HELD ON JANUARY 21, 2020**

Present: Tistrya Houghtling, Supervisor
Jesse Newton, Councilmember
Norman Rasmussen, Councilmember
Deborah Gordon, Councilmember
John Trainor, Councilmember

Recording Secretary: Marsha “Marcie” Robertson, Town Clerk

Others Present: Jeff Winestock, Highway Superintendent
Kevin Smith Sr., NL Rep to Emergency Mgmt. & CC Traffic
Safety Council

CALL TO ORDER:

The special meeting was called to order at 2:00pm by Supervisor Houghtling.

HIGHWAY GRADER:

Supervisor Houghtling stated that she spoke to the bond attorney. She was told we were not supposed to authorize the purchase of the highway grader without the bond resolution. The attorney told Supervisor Houghtling to contact Attorney Tingley as far as what to do. A motion needs to be made amending the prior motion made at last Tuesday's meeting that accepted the bid on the basis that a mistake of procedure was made, make the bid award contingent on adoption of and subject to terms of the bond resolution and then we can adopt the bond resolution.

Supervisor Houghtling stated before doing this she wanted to go over a couple of different options. For the bond resolution it either had to be five years or ten years, with the ten year bond, we can do anything under ten years. We can do a seven or eight year loan, these bond resolution are ten year bonds because the five year bond was a little steep on the annual payment. A seven year bond is a 1.89% interest rate, an eight year bond is a 1.99% interest rate and a ten year bond is 2.19% interest rate. The \$162,900 is with the \$3,000 for the bond council. We have \$20,000 in the budget in DA-9950.9 for the highway grader, so if we put that \$20,000 down, we are financing \$142,900. Estimated with those interest rates on a seven year bond, it would be about \$23,000 a year and on an eight year it would be \$20,500 a year. Once we pass the bond resolution the bank will give us exact options. We can't do anything after we pass this until thirty days. Then we will have the option to enter into financing. So today is not deciding the term of the loan, this is just stating up to ten years of a bond. Once those thirty days have past, then we will have from the bank exact payment and interest rate amounts and then we can decide from there.

Councilmember Trainor stated that we aren't committing to a ten year today. Supervisor Houghtling stated that we are not committing to a ten year bond but by passing the ten year bond resolution, we can do up to ten years. So we can do anything in between five and ten. She just wanted to have an idea of what those would look like. The only thing we have to decide today is are we putting the \$20,000 down or not. There are two different bond resolutions in your packet because if we put the \$20,000 down we are only doing a bond for \$142,900 versus \$162,900. Highway Superintendent Winestock stated that he thinks we had planned on taking the \$20,000 out with the resolution. Supervisor Houghtling stated that there were just a few things missing from the resolution, like the account code. Councilmember Gordon asked if there was any reason not to apply the \$20,000. Supervisor Houghtling stated not that she could think of. Supervisor Houghtling did include in the board packets the past bonds because she was wondering why the bond payments would be so high. The past bonds that we took out were for \$82,000 and \$50,000, so the cost of this is already so much higher, we've never had to do permissive referendum or go more than five years because the prior bonds have been lesser amounts. If we can do the \$20,000 down and get it down to the \$142,900 Supervisor Houghtling thinks that's the way to go.

Councilmember Trainor stated that he thinks they discussed that but didn't officially approve it. Councilmember Newton stated the other thing that they discussed was selling the existing grader, the Champion, and whatever they get for it could be put towards the new grader. Supervisor Houghtling stated that one thing that's important to note as well is that the current two bonds that we have, have payments this year and next year. This new bond for the grader won't have a payment until next year, so we won't have to worry about this year's budget, but for 2021, we will then have three bond payments whereas our budget typically has two. Councilmember Newton's idea, which Supervisor Houghtling thinks is a great idea, if we get \$20,000 or \$25,000 for the existing Champion grader, we can actually earmark that for 2021's payment, so that in 2022 we are back to two payments, so that the budget stays neutral. Councilmember Newton asked if you can make balloon payments on a bond? Supervisor Houghtling stated she did not know the answer to that.

Supervisor Houghtling stated that everyone is in agreement that we are doing the bond for the highway grader with \$20,000 down, so that will be the first resolution. It will be resolution number ten.

Supervisor Houghtling made a motion to modify the motion adopted at the January 14th, 2020 meeting making the bid award contingent on adoption of and subject to the terms of the bond resolution on the basis that a mistake of procedure was made. The motion was seconded by Councilmember Newton.

Roll Call Vote:

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

Supervisor Houghtling stated that because she already sent the letter of intent to Pittsfield Lawn and Tractor (PLT) nothing has to change there, because all we are doing is modifying that motion. We still have the intent to purchase it, it's just subject to those terms.

BOND RESOLUTION:

TOWN OF NEW LEBANON
RESOLUTION NO. 10

BOND RESOLUTION DATED JANUARY 21, 2020

A RESOLUTION AUTHORIZING THE ACQUISITION OF A 2015 JOHN DEERE MOTOR GRADER FOR HIGHWAY PURPOSES AT AN ESTIMATED MAXIMUM COST OF \$162,900, THE ISSUANCE OF SERIAL BONDS OF THE TOWN OF NEW LEBANON, COLUMBIA COUNTY, NEW YORK, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$142,900 PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE A PORTION OF THE COST THEREOF, PROVIDING THAT THIS RESOLUTION SHALL BE SUBJECT TO A PERMISSIVE REERENDUM AND DELEGATING CERTAIN POWERS IN CONNECTION THEREWITH TO THE TOWN SUPERVISOR

BE IT RESOLVED, by the Town Board of the Town of New Lebanon in the Town of New Lebanon, Columbia County, New York (the "Town") (by the favorable vote of not less than two-thirds of all of the members of the Board) as follows:

SECTION 1. The acquisition of a 2015 John Deere motor grader for highway department purposes is hereby authorized at an estimated maximum cost of \$162,900, and said amount is hereby appropriated therefor. It is hereby determined that said purpose is an object or purpose described in subdivision 35 of paragraph a of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is ten years.

SECTION 2. It is hereby determined that the aforesaid purpose constitutes a Type II action as defined under the State Environmental Quality Review Regulations, 6 NYCRR Part 617, which has been determined under SEQR not to have a significant impact on the environment.

SECTION 3. The Town Board plans to finance a portion of the cost of said purpose by the issuance of serial bonds of the Town in an amount not to exceed \$142,900, hereby authorized to be issued therefor pursuant to the Local Finance Law. The remaining cost of the project is expected to be financed from other available funds.

SECTION 4. It is hereby determined that the proposed maturity of the obligations authorized by this resolution

will be in excess of five years from the original date of issuance of such obligation.

SECTION 5. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of said bonds.

SECTION 6. The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. This resolution shall constitute a statement of official intent for purposes of Section 1.150-2 of the Treasury Regulations.

SECTION 7. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds shall contain the recital of validity prescribed by Section 52.00 of the Local Finance Law. The faith and credit of the Town are hereby irrevocably pledged for the payment of the principal of and interest on said bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on said bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of the Town a tax sufficient to pay the principal of and interest on said bonds as the same become due and payable.

SECTION 8. Subject to the terms and contents of this resolution and the Local Finance Law, and pursuant to the provisions of Sections 30.00, 50.00 and 56.00 to 63.00, inclusive, of said Law, the power to authorize bond anticipation notes in anticipation of the issuance of the serial bonds authorized by this resolution and the renewals of said notes and the power to prescribe the terms, form and contents of said serial bonds, and said bond anticipation notes (including without limitation the date, denominations, maturities, interest payment dates, consolidation with other issues, and redemption rights), the power to determine to issue said bonds providing for substantially level or declining debt service, the power to determine to issue said bonds as statutory installment bonds, and the power to sell and deliver said serial bonds and any bond anticipation notes issued in anticipation of the issuance of such bonds, is hereby delegated to the Town Supervisor, the Chief Fiscal Officer of the Town. The Town Supervisor is hereby authorized to sign any serial bonds issued pursuant to this resolution and any bond anticipation notes issued in anticipation of the issuance of said serial bonds, and the Town Clerk is hereby authorized to affix the corporate seal of the Town to any of said serial bonds or any bond anticipation notes and to attest such seal.

SECTION 9. The Town Supervisor is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution and any notes issued in anticipation thereof as "qualified tax-exempt bonds" for purposes of Section 265(b)(3)(B)(i) of the Code.

SECTION 10. Within ten days after the adoption of this resolution, the Town Clerk is hereby authorized and directed to cause to be published at least once in the in The Eastwick Press and The Register Star, each being a newspaper having a general circulation in the Town and hereby designated as the official newspapers of the Town, and to be posted on the sign board of the Town maintained pursuant to the Town Law, a notice which shall set forth the date of adoption of this resolution and contain an abstract thereof, concisely stating its purpose and effect and specifying that this resolution was adopted subject to a permissive referendum.

SECTION 11. This resolution shall take effect thirty days after adoption, unless there shall be filed with the Town Clerk a petition signed and acknowledged by the electors of the Town qualified to vote upon a proposition to raise and expend money, in number equal to at least five percentum of the total vote cast for governor in the Town at the last general election held for the election of State offices, protesting against this resolution and requesting that the matter be submitted to the qualified electors of the Town at a referendum in the manner provided by Article Seven of the Town Law.

SECTION 12. The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if:

- (1) Such obligations are authorized for an object or purpose for which the City is not authorized to expend money; or
- (2) The provisions of law which should be complied with at the date of the publication of this resolution are not substantially complied with;

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication; or

- (3) Such obligations are authorized in violation of the provisions of the Constitution of New York.

SECTION 13. Upon the effective date hereof, the Town Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of the Local Finance Law, in The Eastwick Press and the Register Star, each being a newspaper having a general circulation in the Town and hereby designated as the official newspapers of the Town for such publication.

SECTION 14. This resolution shall take effect immediately.

A special meeting of the Town Board of the Town of New Lebanon, Columbia County, New York was convened in public session at the Town Hall, 14755 Route 22 North, New Lebanon, New York, on January 21, 2020 at 2:00 p.m., local time.

The meeting was called to order by Supervisor Houghtling, and, upon roll being called, the following members were:

PRESENT:

Tistrya Houghtling	Supervisor
Deborah Gordon	Member
Jesse Newton	Member
Norman Rasmussen	Member
John Trainor	Member

The following persons were ALSO PRESENT.

Marcie Robertson, Town Clerk

Jeffrey Winestock, Highway Superintendent
Kevin Smith Sr., NL Rep to Emergency Management & NL Rep to CC Traffic Safety Council

The following resolution was offered by Councilmember Newton, seconded by Supervisor Houghtling, to wit;

TOWN OF NEW LEBANON
RESOLUTION NO. 10

BOND RESOLUTION DATED JANUARY 21, 2020

A RESOLUTION AUTHORIZING THE ACQUISITION OF A 2015 JOHN DEERE MOTOR GRADER FOR HIGHWAY PURPOSES AT AN ESTIMATED MAXIMUM COST OF \$162,900, THE ISSUANCE OF SERIAL BONDS OF THE TOWN OF NEW LEBANON, COLUMBIA COUNTY, NEW YORK, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$142,900 PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE A PORTION OF THE COST THEREOF, PROVIDING THAT THIS RESOLUTION SHALL BE SUBJECT TO A PERMISSIVE REERENDUM AND DELEGATING CERTAIN POWERS IN CONNECTION THEREWITH TO THE TOWN SUPERVISOR

The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:

Tistrya Houghtling	VOTING AYE
Deborah Gordon	VOTING AYE
Jesse Newton.	VOTING AYE
Norman Rasmussen	VOTING AYE
John Trainor	VOTING AYE

The foregoing resolution was thereupon declared duly adopted.

ADJOURNMENT:

Supervisor Houghtling made a motion to adjourn the special meeting at 2:12pm. Councilmember Trainor seconded that motion.

Respectfully submitted,

Marcie Robertson
New Lebanon Town Clerk

**TOWN OF NEW LEBANON
RESOLUTION #30, 2019
PURCHASE OF 2020 INTERNATIONAL TRUCK FOR HIGHWAY
NOVEMBER 22, 2019**

At a special 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 22nd day of November, 2019, the following Resolution was proposed and seconded:

Resolution by Councilmember Newton
Seconded by Councilmember Smith Sr.

***PURCHASE OF 2020 INTERNATIONAL TRUCK
FOR HIGHWAY DEPARTMENT PURPOSES***

WHEREAS, the Town of New Lebanon Highway Superintendent, Jeffrey Winestock, has requested the purchase of one (1) 2020 International HV507 SFA 4X4 with equipment provided and installed by Zwack, as set forth on the attached Quote Summary (hereinafter, the "Equipment") for highway department purposes; and

WHEREAS, the Equipment is available pursuant to Onondaga County Bid #8996 from Navistar Inc., 399 Albany Shaker Road, Suite 202, Loudonville, NY, 12211 (the "Vendor"), in the total purchase price amount of \$218,310.00; and

WHEREAS, the Equipment is available for purchase from Vendor through its authorized dealer, Ben Funk Inc., 3609 Route 9, Hudson, NY, 12534; and

WHEREAS, pursuant to General Municipal Law § 103, the Town of New Lebanon may piggyback upon Onondaga County Bid #8996 to purchase the Equipment from Vendor without the need to engage in competitive bidding; and

WHEREAS, the Town of New Lebanon Town Board has budgeted the full purchase price of the 2020 International Truck in the 2020 Highway Budget; and

WHEREAS, the Town of New Lebanon Town Board deems it to be in the public interest to approve the purchase of the Equipment;

NOW, THEREFORE, BE IT RESOLVED, the Town Board of the Town of New Lebanon hereby approves the purchase of the Equipment under Onondaga County Bid #8996 from Vendor, through its authorized dealer, as proposed by Highway Superintendent Jeffrey Winestock for an amount not to exceed \$218,310.00 in accordance with the attached Quote Summary; and

BE IT FURTHER RESOLVED, by the Town Board of the Town of New Lebanon that, with the total purchase price of \$218,310.00, the Highway Superintendent is authorized to execute a contract in the name of the Town of New Lebanon Highway Department to purchase the Equipment from Vendor.

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

Roll Call Vote:

Councilmember Mark Baumli	Aye
Councilmember Norman Rasmussen	Aye

Councilmember Jesse Newton	Aye
Councilmember Kevin Smith	Aye
Interim Supervisor Margaret Robertson	Aye

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

Dated: November 22, 2019

Tistrya Houghtling
Town Clerk
Town of New Lebanon



**TOWN OF NEW LEBANON
RESOLUTION #12, 2018
PURCHASE OF JOHN DEERE UTILITY TRACTOR WITH BOOM AND MOWER
FEBRUARY 20, 2018**

At a special 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 20th day of February, 2018, the following Resolution was proposed and seconded:

Resolution by Supervisor Teal
Seconded by Councilmember Smith Sr.

***PURCHASE OF CERTAIN EQUIPMENT
FOR HIGHWAY DEPARTMENT PURPOSES***

WHEREAS, the Town of New Lebanon Highway Superintendent, Jeffrey Winestock, has requested the purchase of one (1) John Deere 5085E Utility Tractor with Ferri ZLE 1800 Mower and Alamo Versa Boom and associated labor, as set forth on the attached Quote Summary (hereinafter, the "Equipment") for highway department purposes; and

WHEREAS, the Equipment is available pursuant to New York State Contract PC67140 from Deere & Company, 2000 John Deere Run, Cary, North Carolina, 27513 (the "Vendor"), in the total purchase price amount of \$125,078.56; and

WHEREAS, the Equipment is available for purchase from Vendor through its authorized dealer, Pittsfield Lawn & Tractor, 1548 W. Housatonic Street, Pittsfield, Massachusetts, 01201; and

WHEREAS, pursuant to General Municipal Law § 103, the Town of New Lebanon may piggyback upon New York State Contract PC67140 to purchase the Equipment from Vendor without the need to engage in competitive bidding; and

WHEREAS, the Town of New Lebanon Town Board has adopted a bond resolution authorizing the financing of a portion of the cost thereof in an amount not to exceed \$50,000, with the remainder of the purchase price to be paid from other available funds (the "Bond Resolution"); and

WHEREAS, the Town of New Lebanon Town Board deems it to be in the public interest to approve the purchase of the Equipment;

NOW, THEREFORE, BE IT RESOLVED, the Town Board of the Town of New Lebanon hereby approves the purchase of the Equipment under New York State Contract No. PC67140 from Vendor, through its authorized dealer, as proposed by Highway Superintendent Jeffrey Winestock for an amount not to exceed \$125,078.56 in accordance with the attached Quote Summary, subject to confirmation with Vendor that the pricing on the attached Quote Summary is correct; and

BE IT FURTHER RESOLVED, by the Town Board of the Town of New Lebanon that, upon confirmation from Vendor that the pricing on the attached Quote Summary is correct or, if incorrect, that the total purchase price is less than \$125,078.56, the Highway Superintendent is authorized to execute a contract in the name of the

Town of New Lebanon Highway Department to purchase the Equipment from Vendor.

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

Roll Call Vote:

Councilmember Mark Baumli	Aye
Councilmember Norman Rasmussen	Absent
Councilmember Jesse Newton	Aye
Councilmember Kevin Smith	Aye
Supervisor Colleen Teal	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: February 20, 2018

Tistrya Houghtling
Town Clerk
Town of New Lebanon

A regular meeting of the Town Board of the Town of New Lebanon, Columbia County, New York was convened in public session at the Town Hall, 14755 Route 22 North, New Lebanon, New York, on November 8, 2016 at 7:00 p.m., local time.

The meeting was called to order by Supervisor Teal, and, upon roll being called, the following members were:

PRESENT:

Colleen Teal	Supervisor
Mark Baumli	Member
Dan Evans	Member
Chuck Gerald	Member
Kevin Smith, Sr.	Member

ABSENT:

The following persons were ALSO PRESENT:

The following resolution was offered by Councilmember Smith Sr., seconded by Councilmember Evans, to wit;

BOND RESOLUTION DATED NOVEMBER 8, 2016

A RESOLUTION AUTHORIZING THE ACQUISITION OF A TRUCK WITH DUMP BODY AND PLOW AT AN ESTIMATED MAXIMUM COST OF \$102,195, THE ISSUANCE OF SERIAL BONDS OF THE TOWN OF NEW LEBANON, COLUMBIA COUNTY, NEW YORK, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$82,195 PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE THE COST THEREOF, AND DELEGATING CERTAIN POWERS IN CONNECTION THEREWITH TO THE TOWN SUPERVISOR

The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:

Colleen Teal	VOTING Aye
Mark Baumli	VOTING Aye
Dan Evans	VOTING Aye
Chuck Gerald	VOTING Aye
Kevin Smith, Sr.	VOTING Aye

The foregoing resolution was thereupon declared duly adopted.

TOWN OF NEW LEBANON

RESOLUTION #11, 2016 ~ BACKHOE PURCHASE – RESOLUTION AND DECLARATION OF OFFICIAL INTENT

MAY 10, 2016

At the regular monthly meeting of the New Lebanon Town Board, held at the New Lebanon Town Hall at 14755 Route 22, New Lebanon, New York, duly called and held on the 10th day of May 2016, the following resolution was put forth for enactment:

Proposed by Councilmember Kevin Smith Sr.

Seconded by Councilmember Dan Evans

**RESOLUTION AND
DECLARATION OF OFFICIAL INTENT**

Lessee: Town of New Lebanon

Principal Amount Expected To Be Financed: \$55,000.00

WHEREAS, the above Lessee is a political subdivision of the state in which Lessee is located (the "State") and is duly organized and existing pursuant to the Constitution and laws of the State.

WHEREAS, pursuant to applicable law, the governing body of the Lessee ("Governing Body") is authorized to acquire, dispose of and encumber real and personal property, including, without limitation, rights and interests in property, leases and easements necessary to the functions or operations of the Lessee.

WHEREAS, the Governing Body hereby finds and determines the execution of one or more lease-purchase agreements ("Equipment Leases") in the principal amount not exceeding the amount stated above ("Principal Amount") for the purpose of acquiring the property generally described below ("Property") and to be described more specifically in the Equipment Leases is appropriate and necessary to the functions and operations of the Lessee.

Brief Description of Property:

One (1) New 2016 CASE 580SN WT Tier IV Final Loader Backhoe Serial #NFC7231687 with a New 2016 93" 4/1 Bucket Serial #H014102 including all attachments and accessories

WHEREAS, First Niagara Leasing, Inc. ("Lessor") is expected to act as the Lessor under the Equipment Leases.

WHEREAS, the Lessee may pay certain capital expenditures in connection with the property prior to its receipt of proceeds of the Equipment Leases ("Lease Purchase Proceeds") for such expenditures and such expenditures are not expected to exceed the Principal Amount.

WHEREAS, the U.S. Treasury Department regulations do not allow the proceeds of a tax-exempt borrowing to be spent on working capital and the Lessee shall hereby declare its official intent to be reimbursed for any capital expenditures for Property from the Lease Purchase Proceeds.

NOW, THEREFORE, Be It Resolved by the Governing Body of the Lessee:

Section 1. The Lessee hereby determines that it has critically evaluated the financing alternatives available to it pursuant to 2 NYCRR Section 39.2 and that entering into the Equipment Leases and financing the acquisition of the Property thereby is in the best interests of the Lessee. Such evaluation shall be available as a public record.

The specific reason for such determination is that entering into such Equipment Leases results in a lower overall cost to the Lessee. Execution of the Equipment Leases will not cause the Lessee to be in violation of the limits contained in paragraph c of subdivision 6 of Section 109-b of the General Municipal Law.

Section 2. The Lessee is hereby authorized to acquire and install the Property (the "Project") and is hereby authorized to finance the Project by entering into the Equipment Leases. Any action taken by the Lessee in connection therewith is hereby ratified and confirmed.

Section 3. Either one of the Supervisor OR the _____ (each an "Authorized Representative") acting on behalf of the Lessee is hereby authorized to negotiate, enter into, execute, and deliver one or more Equipment Leases in substantially the form set forth in the document presently before the Governing Body, which document is available for public inspection at the office of the Lessee. Each Authorized Representative acting on behalf of the Lessee is hereby authorized to negotiate, enter into, execute, and deliver such other documents relating to the Equipment Lease (including, but not limited to, escrow agreements) as the Authorized Representative deems necessary and appropriate. All other related contracts and agreements necessary and incidental to the Equipment Leases are hereby authorized.

Section 4. By a written instrument signed by any Authorized Representative, said Authorized Representative may designate specifically identified officers or employees of the Lessee to execute and deliver agreements and documents relating to the Equipment Leases on behalf of the Lessee.

Section 5. The aggregate original principal amount of the Equipment Leases shall not exceed the Principal Amount and shall bear interest as set forth in the Equipment Leases and the Equipment Leases shall contain such options to purchase by the Lessee as set forth therein.

Section 6. The Lessee's obligations under the Equipment Leases shall be subject to annual appropriation or renewal by the Governing Body as set forth in each Equipment Lease and the Lessee's obligations under the Equipment Leases shall not constitute general obligations of the Lessee or indebtedness under the Constitution or laws of the State.

Section 7. It is hereby determined that the purpose of the Project is an object or purpose described in subdivision 32 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is] (10) years.

Section 8. It is hereby determined the term of the Equipment Leases authorized by this resolution will not be in excess of (3) years.

Section 9. The Governmental Body has determined that the Project is a Type II action that will not have a significant effect on the environment and, therefore, no other determination or procedures under the State Environmental Quality Review Act ("SEQR") is required.

Section 10. The Governing Body of Lessee anticipates that the Lessee may pay certain capital expenditures in connection with the Property prior to the receipt of the Lease Purchase Proceeds for the Property. The Governing Body of Lessee hereby declares the Lessee's official intent to use the Lease Purchase Proceeds to reimburse itself for Property expenditures. This section of the Resolution is adopted by the Governing Body of Lessee for the purpose of establishing compliance with the requirements of Section 1.150-2 of Treasury Regulations. This section of the Resolution does not bind the Lessee to make any expenditure, incur any indebtedness, or proceed with the purchase of the Property.

Section 11. BANK QUALIFIED: LESSEE CERTIFIES THAT IT HAS DESIGNATED THIS LEASE AS A QUALIFIED TAX-EXEMPT OBLIGATION IN ACCORDANCE WITH SECTION 265(b)(3) OF THE CODE, THAT IT HAS NOT DESIGNATED MORE THAN \$10,000,000 OF ITS OBLIGATIONS AS QUALIFIED TAX-EXEMPT OBLIGATIONS IN ACCORDANCE WITH SUCH SECTION FOR THE CURRENT CALENDER YEAR AND THAT IT REASONABLY ANTICIPATES THAT THE TOTAL AMOUNT OF TAXEXEMPT OBLIGATIONS TO BE ISSUED BY LESSEE DURING THE CURRENT CALENDER YEAR WILL NOT EXCEED \$10,000,000.

Section 12. The Authorized Representative is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the Equipment Leases authorized by this resolution as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Code.

Section 13. This resolution is not subject to any mandatory or permissive referendum pursuant to the Local Finance Law or Section 109-b of the General Municipal Law.

Section 14. This Resolution shall take effect immediately upon its adoption and approval.

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

Roll Call Vote:

Councilmember Dan Evans	Aye
Councilmember Mark Baumli	Aye
Councilmember Chuck Gerald	Aye
Councilmember Kevin Smith Sr.	Aye
Supervisor Colleen Teal	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 10, 2016

Tistrya Houghtling
Town Clerk
Town of New Lebanon

EXHIBIT B

Supervisor Tistrya Houghtling	Aye
Councilmember Jesse Newton	Aye
Councilmember John Trainor	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.

NL Rep to Emergency Management:

Supervisor Houghtling stated that she wanted to make sure she understood the position correctly. Supervisor Houghtling reached out to the head of the County Emergency Management and some other Town Supervisors and the only role of this position is in an emergency situation the person in the role is supposed to support the Town Supervisor because the Town Supervisor becomes the Emergency Management Coordinator for the Town and the Representative to the County Emergency Management's only role is to support the supervisor. Supervisor Houghtling stated that this hasn't been happening with the person who currently holds the position and because this emergency will likely last a long time she feels it is critical that we get someone in the position right away that can be in a support role to the Supervisor as the Emergency Management person for the town.

Supervisor Houghtling stated that she has spoken to Ed Godfroy, President of LVPA and he has agreed to take on the position of NL Rep to Emergency Management. Supervisor Houghtling asked the Town Board to replace Kevin Smith with Ed Godfroy for the remainder of the term which ends on December 31, 2020. No questions or discussion from the Town Board.


Supervisor Houghtling made a motion to appoint Ed Godfroy to the position of New Lebanon Representative to Emergency Management replacing Kevin Smith Sr. for the remainder of the term ending on December 31, 2020. The motion was seconded by Councilmember Trainor.

Roll Call Vote:

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

Highway Backhoe Request:

Councilmember Newton stated that this was in the budget from last year and Highway Superintendent Winestock reached out to Case and they offered to take ours in trade and the Town would pay \$49,000 which would be in the budget line for a new Case backhoe to replace the one that we have with all of the options that Highway Superintendent Winestock wants.



Councilmember Newton stated that Highway Superintendent Winestock complained to Case because we had issues with the last one. The new one will have an extended four year warranty at 3,000 hours. Councilmember Newton talked with Highway Superintendent Winestock about this and Highway Superintendent Winestock believes that since this was already passed in the 2020 Budget he does not have to talk to the Town Board about approval for this purchase.

Councilmember Newton stated that if the board does not vote on this tonight he would like to table this at least until the next meeting so they can go through the highway budget and the other department budgets to see where we are.

Councilmember Newton stated that Highway Superintendent Winestock believes this is a necessary item to have for the highway department.

Supervisor Houghtling stated to clarify according to the town's procurement policy even though the monies are in the budget, Highway Superintendent Winestock does still need Town Board approval to purchase a piece of equipment that is almost \$50,000 in cost. Supervisor Houghtling stated that will also require more than one quote.

Councilmember Trainor agreed with Councilmember Newton to table this until the May monthly meeting.

COMMITTEE/LIAISON REPORTS:

Building Department:

Supervisor Houghtling stated that she did not list all of the Committee reports, she just asked for those to report with urgent or COVID19 related updates. Supervisor Houghtling stated that she has a couple.

Supervisor Houghtling made a motion to postpone and possibly cancel, with that decision to be determined at a later date, Town Clean Up Day so that it will not occur in May of 2020 and the date will be determined at a later date to reoccur sometime in 2020 or possibly be postponed until 2021. The motion was seconded by Councilmember Newton.

Roll Call Vote:

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

Business & Economic Development:

Supervisor Houghtling stated the initial meeting went great, a lot of wonderful ideas and projects and then Coronavirus hit. At the last meeting that was held via the phone all were in agreement that their focus needed to be on local businesses and how to support them

Supervisor Houghtling stated that for the Highway Department we had to do two columns, one with CHIPS funding and one without. Supervisor Houghtling thinks that for CHIPS we are either going to get it or we are not. Supervisor Houghtling stated that if Highway Superintendent Winestock moves forward with CHIPS and we do not get the funding that we will be out \$108,000, but this is his right to decide.

Supervisor Houghtling asked if Superintendent Winestock understands that if we do not receive the CHIPS reimbursement but he has spent the CHIPS money that depended on that reimbursement, he will need to find that money in the highway budget somewhere. Councilmember Newton stated that Superintendent Winestock understands that the money would need to come from his budget if CHIPS funding is not received.

Supervisor Houghtling stated that on the general side of the budget the revenues go from about \$900,000 expected to about \$776,000 if we lose 20% of revenue and to about \$665,000 if we lose 40% of revenue.

Supervisor Houghtling stated that after the department head cuts in their budgets, we may have to take about \$300,000 out of our unexpended which would leave our ending fund balance as low as \$166,000 which is not a number that Supervisor Houghtling is comfortable with.

Councilmember Newton stated that he spoke to Highway Superintendent Winestock regarding the CHIPS and based on a conference call Highway Superintendent Winestock took part in with the other highway supers and the county highway super, since the CHIPS funding was already budgeted for the year it will be awarded on a first come first served basis. There is a possibility that the town may not receive anything, but Highway Superintendent Winestock hopes that if we get ours in as soon as possible, we may receive the funds.

The Town Board members held discussion that this is all unknown and dependent on how long we are working under these conditions. The board agreed that we have already made some good budget cuts and that the town staff needs to continue to run their offices being fiscally conservative.

Highway Backhoe Request:

Councilmember Newton stated that in last years budget we put \$50,000 aside for the backhoe. Highway Superintendent Winestock was contacted by Case, it is a state contract and it would be \$49,475.00 and the trade from our old backhoe. Highway Superintendent Winestock is requesting that we still consider purchasing the backhoe despite the COVID19 crisis.

Councilmember Newton stated that he was hoping to sell some surplus highway equipment to put into the revenue for the highway department.

Supervisor Houghtling asked if Councilmember Newton had made any progress with the

highway inventory. Councilmember Newton stated that he has the information provided by the Town Clerk, we have some highway equipment that can be sold.

Supervisor Houghtling stated that she is not comfortable spending \$50,000 right now with everything going on with COVID19, if Highway Superintendent Winestock had agreed to cut his budget in other places, it might be a different conversation. Supervisor Houghtling stated with such large cuts in revenue, she is just not comfortable.

Supervisor Houghtling stated that until she sees an inventory with an expected life of each vehicle and a replacement plan, she is not comfortable approving any purchases.

Councilmember Rasmussen stated that beyond what the board can legally do, when times are tough in a company, every department and every division is asked to contribute to savings. Councilmember Rasmussen stated that buying the backhoe under these current circumstances is something that should be postponed until next year.

Councilmember Gordon agreed on waiting to purchase the backhoe. Councilmember Gordon stated she wanted more clarification on what is in the inventory.

Councilmember Rasmussen stated that it will have all of the information about the vehicle or equipment we own and have a replacement plan in place so that the town will be able to start putting funds aside for a piece of equipment that is nearing its life expectancy.

Councilmember Newton stated that to be clear these are called Asset Management Plans; they are the current inventory and the life expectancy as well.

Councilmember Newton stated that the \$280,000 the board transferred from general funds was for the backhoe and the large truck. Councilmember Newton stated that unfortunately the large truck is being assembled for us right now, we are already bound in a contract. Councilmember Newton stated that Highway Superintendent Winestock is good about keeping the hours off of the equipment that is very expensive to replace and he makes a point of only buying single axle large trucks.

Councilmember Newton stated he talked with Highway Superintendent Winestock, he said obviously he could make the existing backhoe work but it will be worth that much less when we go to repurchase this. Hopefully the state contract stays open, maybe in six months or in the last quarter the town board can revisit it and hopefully we the town board will have a better grasp on what the budget is.

NEW BUSINESS:

Town Hall Employees Working in the Building and Safety Measures:

Supervisor Houghtling stated that the Town Hall is still closed to the public and will remain closed to the public until Phase 2 is released by the Governor. Supervisor Houghtling stated she did reach out to clarify what Phase we fall under and it is Phase 2.

Supervisor Houghtling would like to propose that she gets her request out now to the department heads to have their budget to her by September 1, 2020. Supervisor Houghtling thought this would give all department heads and herself more time to prepare the budget for the deadline and asked if anyone was opposed to moving the timeline up a little. No one was opposed.

Councilmember Newton stated that he also spoke to Ed Godfroy of the LVPA and he and Councilmember Trainor are going to start working with the LVPA on July 27, 2020.

Surplus Town Highway Equipment:

Councilmember Newton stated that the town will be placing four pieces of town equipment out for surplus they are going to be a 1999 International dump truck, 1997 AWD drive International dump truck, a 5500 Dodge 4x4 drive dump truck (a 1 ton) and a 1988 Champion grader. Councilmember Newton stated that we are hoping to get about \$68,000 in total funds if we sell these and hoping to turn these over pretty quick.

Councilmember Newton stated that Highway Superintendent Winestock wants to do this to help his budget because he is still interested in purchasing the backhoe that was discussed recently.

Councilmember Newton stated that there is a question of a couple of items that are over at the town garage that could be considered scrap that we are going to talk about getting rid of. There are a couple of pieces of playground equipment that need a lot of work, not sure if they need to be assigned as surplus or not.

Supervisor Houghtling stated that we could declare it surplus and stated that we are junking it.

Supervisor Houghtling stated we want to go through Auctions International and have bids due to us the Friday before the August meeting.

Councilmember Newton stated that he feels that is a little fast because all the towns are doing this at the same time. Councilmember Newton stated that we will do that and see where we are.

Supervisor Houghtling stated that Kevin used to be the Auctions International guy, asked if Councilmember Newton is taking the lead on that. Councilmember Newton stated that he would rather not.

Supervisor Houghtling stated that she would take that on but she might go to Councilmember Newton for pictures and specific information regarding the equipment.

Supervisor Houghtling made a motion, seconded by Councilmember Newton and unanimously approved to declare the following highway equipment surplus a 1999 International 2x4 truck, a 1997 AWD International truck, a Dodge 5500 4x4 truck and a

1988 Champion grader and also to go out to bid on said equipment through Auctions International with bids due on or before Friday, August 7, 2020 at 4:00 PM and with bids to be decided upon at the August 11, 2020 town board meeting.

DEC Mining Permit:

Supervisor Houghtling stated she apologized to the audience; this was not on the agenda she was waiting to hear from the town attorney. Supervisor Houghtling stated she did hear from them that yes, we need to at least have a conversation on this if not take action.

Supervisor Houghtling stated that she is again going to have to recuse herself from this, it is Troy Sand & Gravel and her husband works for a company owned by the same parent company. Supervisor Houghtling stated that Attorney Tingley also had to recuse because he is the attorney for Troy Sand & Gravel. Stephanie Ferradino is our attorney on this.

Supervisor Houghtling stated that there is an active mining permit at the location, they were asking for a slight modification, Attorney Ferradino recommended and the DEC was requesting that they be lead agency on this because they know much more about mining permits, the environment and the possible impact on it. DEC has been listed as lead agency. Supervisor Houghtling stated that there was one community member who messaged her very upset about naming DEC as lead agency, he is a neighbor to the mine and felt there were environmental concerns. Supervisor Houghtling stated that she asked this resident for more detail, but was never given anything more.

Supervisor Houghtling stated that we did receive from DEC a notice of complete application, a map, a mining permit modification and a negative declaration. The negative declaration means that it has been found by DEC that there is no environmental or significant environmental impact on this modification.

Attorney Ferradino stated that the DEC is seeking the towns input on the items in their July 1st letter. A response from the town pertaining to the issues raised by the public would be in order but Supervisor Houghtling doesn't know what those issues are which makes it a little tricky. Supervisor Houghtling stated that there wasn't an actual issue raised the resident was just mad that we had not been the lead agency. The town has thirty days to respond, which may be in the form of a report, memo or letter to DEC including supporting documentation such as town code provisions, information from neighbors, etc. which seeks reasonable steps or conditions relating to the following: setbacks; barriers to restrict access; dust; hours of operation and any prohibitions on mining at this location.

Supervisor Houghtling stated that Attorney Ferradino talks about getting creative to addressing neighbor complaints as relates to noise but again Supervisor Houghtling stated that she doesn't have any specific neighbor complaints.

Councilmember Newton stated that he runs a business that is an abutting property and he hasn't noticed any difference in use, it has been an operational gravel mine for at least

Councilmember Newton: Second

Town Clerk Robertson: Councilmember Rasmussen

Councilmember Rasmussen: Yes

Town Clerk Robertson: Councilmember Gordon

Councilmember Gordon: Yes

Town Clerk Robertson: Supervisor Houghtling

Supervisor Houghtling: Yes

Town Clerk Robertson: Councilmember Newton

Councilmember Newton: Yes

Town Clerk Robertson: Councilmember Trainor

Councilmember Trainor: Yes

Supervisor Houghtling: Um, that is all the business I had for this special meeting.
Do any other town board members have any business?

Councilmember Rasmussen: No

Councilmember Trainor: No, not I.

Councilmember Newton: The only other thing I have is, uh, Jeff has also reached out again, asking for the town board's blessing and hopefully, uh, uh, letter of intent for the backhoe. Just wanted to pass that on again.

Councilmember Rasmussen: Okay

Supervisor Houghtling: Any other, uh, business for the board?

Councilmember Trainor: No

Supervisor Houghtling: I will make a motion to adjourn

Councilmember Rasmussen: Peg has her hand up

Peg Munves: I have a quick question, this is Peg

Supervisor Houghtling: Yup.



approved unanimously to approve the Climate Smart Task Force working on the Resource Recovery Center including the Bike Exchange Program and adopting the Assumption of Risk Waiver & Release and authorizing the Resource Recovery Center to take over the organization of the Free Store.

See addendum E for waiver.

Steve Powers stated that Marc Anthionsen has completed the Green House Gas inventories of the town buildings and that revealed that the LED street lights that were put in are estimated to save \$2,500.00 per year.

Steve Powers also stated that there is a possible collaboration with a Cornell student to work with the CSTF, to be approved by the town board at a later date.

Supervisor Houghtling thanked Steve Powers and Marc Anthionsen for all of their hard work.

Bruce Shenker, NL Rep to CC Enviro Mgt & CSC Coordinator, requested to have a presentation on Solarize, the town board agreed to put it on the October agenda.

Bruce Shenker, NL Rep to CC Enviro Mgt & CSC Coordinator, presented his letter on behalf of the Town of New Lebanon to send to Columbia County Board of Supervisors to request Columbia County to join in the NY Climate Smart Communities Program.

A motion was made by Councilmember Trainor, seconded by Councilmember Gordon and approved unanimously to authorize Supervisor Houghtling to sign and submit the letter to the Columbia County Board of Supervisors.

Fire, Law Enforcement & Emergency (Councilmembers Newton & Trainor):

Councilmember Newton stated they had a good meeting this past month with the LVPA board, they had some initial discussion about budget, it looks like they will be on line with last year. The LVPA is hoping to keep the matching program going the way it was, they put \$15,000.00 into trucks and \$5,000.00 into equipment.

Highway (Superintendent Winestock & Councilmembers Newton):

Councilmember Newton stated that in everyone's packet there is a very rough draft of the Highway Asset Management Plan with some description of what we have in town assets and the recommended time frame for replacement. Councilmember Newton reached out to County Highway and they do not have an asset management plan for their highway equipment, so he is figuring this out as he goes. He has also reached out to other townships to see what they have in place.

Councilmember Newton was able to find a lifecycle cost analysis for class 8 snowplow trucks from DOT in Utah, they bottom out in value at about nine or ten years due to salt erosion.

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Councilmember Newton will continue to work on the highway asset management plan.

Supervisor Houghtling stated that in talking with Highway Superintendent Winestock stated that the quote for the backhoe has gone up.

Councilmember Newton stated that the difference is we do not have the included warranty. We lost the four-year, 3,000-hour warranty. We would have to purchase it now at an additional \$6,000.00.

Supervisor Houghtling stated that her understanding was that we were hoping to get money out of the auction items, which we still need to get the condition reports. Will anything change between now and September if we wait to see what we get for bids on the inventory out to bid?

Councilmember Newton stated that as we get into the fourth quarter, the equipment prices are going to change.

Supervisor Houghtling asked if this a NY State bid that we are piggy backing on?

Councilmember Newton stated that yes, it is a NY State bid.

Supervisor Houghtling stated that some of her oppositions were not having the asset management plan, not understanding what needs to be replaced and how often it needs to be replaced. Supervisor Houghtling stated that she would personally feel comfortable saying yes to the backhoe at next months meeting once we have the NY State bid contract number that we need to have to authorize the purchase, once we know what we are getting for the older equipment, she would like to hear from the rest of the board.

Councilmember Gordon stated that she really doesn't understand it, doesn't really have anything to say.

Councilmember Trainor stated that he is sort of in the same boat, but that he is there to take Jeff's recommendation.

Councilmember Rasmussen stated aside from the specific considerations of the equipment that he doesn't know much about, we just had the idea today our first inkling that maybe the economic damage isn't going to be as bad as we thought, but since he doesn't think we are near the end of the whole COVID crisis, he thinks it would be unwise to open the flood gates and start spending money, thinks we should wait.

Supervisor Houghtling stated that if come next month's meeting, we got the total purchase price out of surplus equipment that we didn't even know we had, would Councilmember Rasmussen feel differently?

Councilmember Rasmussen stated that is income that should be coming to the town, and his concern isn't what we can get for the other equipment, my concern is that he doesn't think we really know what our revenue loss is going to be later in the year.

Historian & LVHS: (Councilmembers Trainor):

Councilmember Trainor stated that Bitsy Sheffer is supposed to be back this month and the Historical Society is having it's first meeting of the year on the final Monday of this month. Blossom Hatcher has donated some items to the Historical Society.

Justice Court/Constable (Councilmember Trainor):

Councilmember Trainor stated that there is nothing to report.

Supervisor Houghtling stated that the court is doing limited office hours for payments right now, actual court will reopen in September at a very limited capacity.

Library (Councilmember Trainor):

Councilmember Trainor stated that he spoke to Moriah today and the library is still doing the curbside pickup and delivery and no fines.

Buildings, Parks & Recreation (Councilmembers Newton):

Councilmember Newton stated nothing major. There was a bit of an issue at the pavilion but hopefully that will be taken care of. We are talking about security cameras and signage.

Councilmember Newton stated that they began the teardown of the skatepark in Ghent, they have about fifty-man hours into it and about a third of it taken apart and moved outside.

Supervisor Houghtling stated that she will have the quote on the cameras soon.

Councilmember Newton stated that the Valley Cats are close to finishing with the field update and it looks great.

Supervisor Houghtling thanked Councilmember Newton for all of his work with the skatepark and everything that he does.

Seniors (Councilmember Gordon):

Councilmember Gordon stated no report at this time.

Volunteers (Councilmember Rasmussen):

Councilmember Rasmussen stated nothing to report.

Project Management (Councilmember Rasmussen):

Councilmember Rasmussen stated he has updated the project information, will update

Michelle Blenes

Supervisor Houghtling stated that she thinks interviews for cleaning in October as well.

Town Safety Plan – Employee Training:

Supervisor Houghtling stated that we have everyone except two people who have taken the training by the 8/31/20 deadline. We have one Recreation Committee member and one Climate Smart Task Force Committee member who have not taken the training.

Supervisor Houghtling stated that she did speak with both of the chairs for these committees and it sounds like both of these members have not been active members. The board set a deadline to complete the training, they have not, her recommendation would be to remove these members from their positions.

Councilmember Newton said his only question would be are they not doing this because they are uncomfortable with the pandemic and they might be active members later on?

Supervisor Houghtling stated that for the Rec. Commission, no.

Tegan Cook, Recreation Commission Chair, stated that prior to the pandemic this member was not an active member.

Supervisor Houghtling stated that the CSC wasn't really a committee before the pandemic, so we can't really speak to the CSC.

Supervisor Houghtling made a motion, seconded by Councilmember Trainor and approved unanimously to remove Steven Dono from the Climate Smart Task Force and Ann Smith from the Recreation Commission and to advertise a vacancy for the Recreation Commission and a vacancy for the Climate Smart Task Force with letters of interest due by October 9th at 4:00 pm.

Surplus Highway Equipment Bids Cancelled:

Supervisor Houghtling stated that the Town Board upon the request of Highway Superintendent Winestock had declared four pieces of highway equipment surplus, the old grader, 2008 Dodge truck, 1997 International and a 1999 International. We had motioned to go out to bid through Auctions International on those four pieces of equipment. Councilmember Newton communicated with Supervisor Houghtling after we declared them surplus and motioned to go out to bid that Highway Superintendent Winestock no longer wanted to go out to bid, which is his purview. So, we did not put out a bid for those four pieces of surplus equipment.

Councilmember Newton stated that he did speak to Highway Superintendent Winestock today and he just received the Dodge back, it was out to be repaired and he would actually like to put that out to surplus but he would like the town to use the newspaper, he would

like to see another local municipality or a small business get the truck. He would also like the 1999 International to go out as surplus as well.

Councilmember Newton made a motion to declare the 2008 Dodge and the 1999 International as surplus and to go out to bid on them but not through Auctions International but to advertise in the paper with bids due on November 6th at 4:00 pm. The motion was seconded by Supervisor Houghtling.

Roll Call Vote:

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

Highway Equipment Asset Management Plan:

Supervisor Houghtling stated that Councilmember Rasmussen took the beginning of the asset plan that Councilmember Newton gave the board at the last meeting, compared it to the inventory filed with the Town Clerk, added back in the four surplus pieces of equipment which two might come back out, for now we own them.

Councilmember Rasmussen stated that he thought that the most productive conversation would be for Highway Superintendent Winestock and Councilmember Rasmussen to talk and make sure they get to a clear status of the inventory.

Councilmember Rasmussen stated that Highway Superintendent Winestock has clearly done a really good job of making old equipment run well for a long time in that Councilmember Newton's research said that some of those trucks, if we were to buy a new one, we should expect for it to last four years and we have twenty year old trucks running.

Councilmember Rasmussen stated that to him a more relevant issue isn't how long should it last according to the books, that's a good starting point. Really a very relevant questions is how long does Highway Superintendent Winestock think he can make each piece of equipment last. Part of the asset management is planning forward for when the next purchases of each item need to be made.

Councilmember Rasmussen stated that he likes Councilmember Newton's suggestion that between now and the next meeting they should communicate and then provide a report for the board at the next meeting.

Councilmember Gordon stated that she is wondering if she could get a tutorial, when she looks at the spreadsheet, she is having a hard time understanding it and she feels irresponsible.

Supervisor Houghtling asked Councilmember Newton if he can get together with

Addendum A

New York State Department of State
Division of Corporations, State Records and Uniform Commercial Code
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231-0001
www.dos.ny.gov

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(select one:)

of New Lebanon

Introductory Local Law No. 4 of the year 2020

**A LOCAL LAW TO AMEND CHAPTER 71 OF THE CODE OF THE TOWN OF NEW
LEBANON.**

Be it enacted by the Town Board of the Town of New Lebanon as follows:

See attached.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

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TOWN OF NEW LEBANON

INTRODUCTORY LOCAL LAW NO. 4 OF THE YEAR 2020

**A LOCAL LAW TO AMEND CHAPTER 71 OF THE CODE OF THE
TOWN OF NEW LEBANON.**

SECTION 1

This local law shall be referred to as “A Local Law to Amend Chapter 71 of the Code of the Town of New Lebanon”.

SECTION 2

Chapter 71 of the Code of the Town of New Lebanon, entitled “Animals”, is hereby amended as follows:

- A. Paragraph F of Section 71-3, relating to purebred licensing, is hereby repealed in its entirety.
- B. Section 71-9.9, entitled “Seizure of dogs; redemption periods; impoundment fees; destruction of unredeemed dogs”, is hereby amended in its entirety to read as follows:

§ 71-9.9 Seizure of dogs; redemption periods; impoundment fees; destruction of unredeemed dogs.

- A. The seizure, holding, and redemption of dogs shall be conducted in accordance with § 117 of the Agriculture and Markets Law and the terms set forth herein. In addition to the provisions in § 117 of the Agriculture and Markets Law authorizing the Town of New Lebanon to seize dogs, the Town may also seize any dog permitted or allowed to violate § 71-9.1 or § 71-9.2 of this article or any dog not in the control of the owner or custodian and not on the premises of the dog's owner or custodian.
- B. Each dog that is seized that is not identified, whether or not licensed, shall be held for at least the redemption period set forth in paragraph (4) of § 117 of the

Agriculture and Markets Law, during which period the dog may be redeemed by its owner, provided that such owner produces proof that the dog has been licensed and has been identified pursuant to the provisions of Chapter and further provided that the owner pays the impoundment fees set forth in paragraph D of this Section.

- C. Promptly upon seizure of any identified dog, the owner of record of such dog shall be notified personally or by certified mail, return receipt requested, of the facts of seizure and the procedure for redemption. Such dog shall be held for at least the applicable redemption period set forth in paragraph (6) of § 117 of the Agriculture and Markets Law. The owner may redeem such dog during such applicable redemption period upon payment of the impoundment fees set forth in paragraph D of this Section.
- D. Pursuant to the authority set forth in paragraph (4) of § 117 of the Agriculture and Markets Law to establish impoundment fees in any amount, the total impoundment fees that must be paid by an owner to redeem a dog that has been seized pursuant to this section shall be equal to the sum of the following:
 - (1) the applicable Seizure Fee, plus
 - (2) the applicable Shelter Fee, plus
 - (3) any emergency veterinary costs and expenses incurred in connection with or arising after the seizure of such dog.

For purposes of this paragraph, the Seizure Fee shall be the amount set by resolution of the Town Board which shall be due immediately upon seizure of a dog, regardless of whether such dog is sheltered. For purposes of this paragraph, the Shelter Fee shall equal the sum of all fees due to any shelter for the impoundage, feeding, and shelter of such dog, which fees shall be set annually by resolution of the Town Board.

- E. An owner shall forfeit title to any dog unredeemed at the expiration of the appropriate redemption period, and the dog shall then be made available for adoption or euthanized subject to §§ 117 and 374 of the Agriculture and Markets Law.

SECTION 3

If any word, phrase, sentence, part, section, subsection, or other portion of this Law or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection, or other portion, or the proscribed application thereof, shall be severable, and the remaining provisions of this Law, and all applications

thereof, not having been declared void, unconstitutional, or invalid, shall remain in full force and effect.

SECTION 4

This Law shall become effective upon filing with the New York Secretary of State.

SECTION 5

This Local Law is enacted pursuant to the New York Municipal Home Rule Law.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as Local Law No. ___ of 2020 of the (County)(City)(Town)(Village) of New Lebanon was duly passed by the Town Board of the Town of New Lebanon on _____, 2020 in accordance with the applicable provisions of law.

~~**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)**~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____ in accordance with the applicable provisions of law.~~

~~**3. (Final adoption by referendum.)**~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____.~~

~~Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.~~

~~**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____.~~

~~Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.~~

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.) _____

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.) _____

I hereby certify that the local law annexed hereto, designated as local law No. ____ of 20____ of the County of _____, State of New York, having been submitted to the electors at the General Election of _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.

Marcie Robertson, Town of New Lebanon Town Clerk
Clerk of the county legislative body, City, Town or Village
Clerk or officer designated by local legislative body

(Seal)

Date: _____

Addendum B

Town of New Lebanon Sexual Harassment Policy

Findings and Purpose

- A. All employees of the Town of New Lebanon should be able to enjoy a work environment free from all forms of discrimination, including sexual harassment.
- B. Sexual harassment is a form of misconduct that undermines the integrity of the employee relationship. No employee, either male or female, should be subjected to unsolicited and unwelcome sexual overtures or conduct, either verbal or physical in nature, by any coworker, supervisor or nonemployee.
- C. Sexual harassment does not refer to occasional compliments of a socially acceptable nature. It refers to behavior that is not welcome, that is personally offensive to the recipient, that lowers morale and, therefore, that interferes with work effectiveness.

Employee/Management Responsibilities

- A. Each department head as well as all employees of the Town of New Lebanon have a responsibility to maintain the workplace free of sexual harassment. This responsibility includes discussing this policy with all employees and assuring them that they are not to endure insulting, degrading or exploitative sexual treatment. Department heads and/or the Town Board will take appropriate steps to resolve employee complaints in a fair, expeditious, and confidential manner whenever they become aware of potential violations of this policy.
- B. Any individual found to have engaged in sexual harassment will be subject to discipline, up to and including termination.
- C. Each employee is expected to uphold these standards; to utilize established complaint resolution guidelines and to maintain confidentiality in matters that are under review and investigation. False accusations made by an employee against another individual will result in appropriate disciplinary action up to and including termination.

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Statement of Policy

- A. Definition. Sexual harassment does not refer to occasional compliments of a socially acceptable nature. It refers to behavior that is not welcome, that is personally offensive to the recipient, that lowers morale and, therefore, that interferes with work effectiveness.
- B. Specifically, no person shall threaten or insinuate, either verbally, physically, explicitly or implicitly, that an employee's refusal to submit to sexual advances will adversely affect the employee's employment, evaluation, wages, advancement, assigned duties, shifts, or any other condition of employment or career development. In addition, no employee, male or female, should be subjected to unsolicited and unwelcome sexual overtures or conduct, either verbal or physical in nature.

Outside Vendors

Further, no employee shall be subjected to unsolicited or unwelcome sexual overtures or conduct, either verbal or physical in nature, from any nonemployee with whom the employee may come in contact while representing the Town of New Lebanon in any capacity. It is the duty of department heads to monitor such interactions when possible and to respond to employee complaints regarding such behavior.

Retaliation

The Town of New Lebanon will not condone or tolerate retaliation by any town employee against a coworker for making a complaint concerning sexual harassment; this type of intimidation will be dealt with severely.

Harassment Outside the Workplace

Sexual harassment, directly relating to one's employment, shall be subject to disciplinary action even when committed during nonbusiness hours.

Employee Procedure for Filing a Charge of Sexual Harassment

- A. Any employee who wishes to file a sexual harassment charge should do so in writing as soon as possible after the alleged incident. In order to facilitate competent and complete investigation of any charges, the town encourages each employee to immediately report any alleged case of sexual harassment.
- B. The employee shall ask for a private meeting with one or more of the following:
 - (1) Department head.
 - (2) Town Supervisor .
 - (3) Town Board.
- C. If the private meeting is with the department head or the Town Supervisor, then the department head or Town Supervisor shall provide a report of circumstances of the matter to the Town Board in executive session.
- D. The Town Board shall take such appropriate action as it deems necessary to adequately address the complaint, and shall conduct an investigation of the matter unless such investigation is clearly not warranted.
- E. If the person against whom such complaint has been made is a department head, Town Supervisor or Town Board member, then such person shall not take part in the investigation or in the reviewing process provided for herein, but this shall not preclude such person from offering his version of the matter to the appropriate reviewing authority.
- F. If the investigation conducted by the Town Board results in facts that lead to substantiation of a sexual harassment charge, any employee so accused has a right to the same rights and possible penalties set forth in Subsections I and J.
- G. Hearing.
 - (1) The hearing will be held in executive session before a panel of three (3) representatives as follows:

- (a) Town Supervisor.
 - (b) Two Town Board members as designated by the Town Board.
- (2) The Town Supervisor shall conduct the hearing in such manner as to give each participant the right to be heard and to present the facts. Strict rules of evidence shall not apply, but the Town Supervisor, in his discretion, may preclude evidence that is clearly irrelevant or not adequately verifiable.
- H. If the sexual harassment charges are upheld at hearing, then the hearing panel shall provide for such discipline as it deems appropriate, including an apology, a suspension from employment without pay, or termination of the employee.
 - I. If the sexual harassment charges are upheld against an elected official of the town, such charges may serve as the ground for removal of the official pursuant to § 36 of the Public Officers Law.
 - J. The decision made by the hearing panel shall be in writing and shall be delivered to the person(s) involved personally or, in the alternative, mailed to them by certified mail, return receipt requested, at the addresses given by such person(s) to the hearing panel. Such decision shall be final and binding.

Reviewed by Town Board 12/8/2020

Addendum C

Town of New Lebanon Workplace Violence Prevention Policy

Policy Statement Adopted; Completion of Checklists Required

The attached "Town of New Lebanon Workplace Violence Prevention Policy Statement" document (Appendix A) is adopted, and the "Workplace Security Checklists" document (Appendix C) is to be completed by the Town Clerk one time after the adoption of this policy.

Contact Person Designated

The Town Clerk is established as the designated contact person for complaints of any workplace violence incidents.

Alternate Contact Person Designated

The Town Supervisor shall act as the alternate contact person in the absence of the Town Clerk or in instances where the Town Clerk is the alleged aggressor.

Incident Report

The attached "Workplace Violence Incident Report" document (Appendix B) is to be utilized to document any reports of alleged workplace violence.

Workplace Training Required

Workplace training on violence prevention shall occur on an annual basis for employees of the Town, and such annual training will utilize the "Workplace Violence Prevention Training" document (Appendix D) and the guidelines established in 12 NYCRR 800.6 as the basis for the training which shall occur, and the document will be completed by the Town Clerk on an annual basis following the completion of the training.

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Workplace Violence Prevention Policy

Appendix A

Workplace Violence Prevention Policy Statement

The Town of New Lebanon is committed to the safety and security of our employees. Workplace violence presents a serious occupational safety hazard to our town, staff, and the public.

Workplace violence is defined as any physical assault or act of aggressive behavior occurring where a public employee performs any work-related duty in the course of his or her employment, including but not limited to an attempt or threat, whether verbal or physical, to inflict physical injury upon an employee; any intentional display of force which would give an employee reason to fear or expect bodily harm; intentional and wrongful physical contact with a person without his or her consent that entails some injury; or stalking an employee with the intent of causing fear or material harm to the physical safety and health of such employee when such stalking has arisen through and in the course of employment.

Acts of violence against any of our employees where any work related duty is performed will be thoroughly investigated and appropriate action will be taken, including involving law enforcement authorities when warranted. All employees are responsible for helping to create an environment of mutual respect for each other as well as the public, following all policies, procedures and practices, and for assisting in maintaining a safe and secure work environment.

This policy is designed to meet the requirements of NYS Labor Law 27b and highlights some of the elements that are found within our Workplace Violence Prevention Program. The process involves complying with this law which includes a workplace evaluation that is designed to identify the risks of workplace violence to which our employees could be exposed. Authorized employee representative(s) will, at a minimum, be involved in:

- Evaluating the physical environment;
- Developing the Workplace Violence Prevention Program; and
- Reviewing workplace violence incident reports at least annually to identify trends in the types of incidents reported, if any, and reviewing the effectiveness of the mitigating actions taken.

All employees will participate in the annual Workplace Violence Prevention Training Program. The goal of this policy is to promote the safety and well-being of all people in our workplace. All incidents of violence or threatening behavior will be responded to immediately upon notification. All the Town of New Lebanon personnel are responsible for notifying the contact person designated below (or alternate contact person in the absence of the designated contact person or when the designated contact person is the alleged aggressor) of any violent incidents, threatening behavior, including threats they have witnessed, received, or have been told that another person has witnessed or received.

Designated Contact Person:

Name: _ _ _ _ _

Title: Town Clerk

Department: All Departments

Phone: (518) 794-8888

Location: New Lebanon Town Hall

Alternate Contact Person:

Name: _

Title: Town Supervisor

Department: All Departments

Phone: (518) 794-8889

Location: New Lebanon Town Hall

Workplace Violence Prevention Policy

Appendix B Workplace Violence Incident Report

Today's Date _ _ _ _ _

Date of incident _ _ _ _ _

Time of incident _ _ _ _ _

Case Number (to be completed by designated contact person) _ _ _ _ _

Involved individual(s) name(s) _ _ _ _ _

Title of individuals involved in incident _ _ _ _ _

Workplace location where incident occurred - - - - -

If known, what was the employee doing just prior to the incident?

Incident description (Minimally include names of involved employees, extent of injuries and names of witnesses):

How did the incident end?

Print Name and Title

Signature

Enter "Privacy Concern Case" above if this is a case involving injury to an intimate body part or the reproductive system, injury or illness resulting from sexual assault, mental illness, **HIV** infection, needle stick injuries or injuries which may be contaminated with another person's blood or infectious material, or if the employee independently and voluntarily requests that his or her name not be entered in the report.

Workplace Violence Prevention Policy

Appendix C Workplace Security Checklists

Facility:- - - - -
Address/Work Location: - - - - -
Assessment Done By:- - - - -
Date of Assessment: - - - - -

Security Control Plan

Has a Security Control Plan been developed? Yes No

If yes, is it in writing? Yes No ___

If yes, does it include?
A. A Policy Statement Yes No
B. Evaluation of work areas Yes No

C. Identification of control methods considered:
1. Engineering Controls Yes No

2. Work Practice Controls Yes No
D. Training Yes No

E. Evacuation and Floor Plan Yes No

Is the Security Control Plan accessible to all employees? Yes No

Is the Security Control Plan reviewed and updated
when a task has been added or changed
and at least annually? Yes No

Have you coordinated your Security Control Plan
with the local law enforcement agency? Yes No

A. Policy Statement

Is the Workplace Violence Policy statement clearly written?
Yes No ___

B. Work Area Evaluation

Are all areas being evaluated? Yes No

If no, which ones are not? Comments:

C. Control Measures

1. Engineering Controls

If appropriate, have the following engineering controls been implemented:

- | | | |
|------------------------------|--------|--------|
| A. Door control(s) | Yes | No |
| B. Panic buttons | Yes | No |
| C. Door detectors | Yes | No |
| E. Closed circuit | Yes | No |
| F. Stationary metal detector | | Yes No |
| G. Sound detection | | Yes No |
| H. Intrusion panel | Yes | No |
| I. Monitors | Yes | No |
| J. Video tape recorder | Yes -- | No -- |
| K. Switcher | Yes | No |
| L. Hand-held metal detector | | Yes No |
| M. Other | ----- | |

Have structural modifications (e.g. Plexiglas, partitions, etc.) been implemented?

Yes No

If yes, comment, if no, what is needed?

2. Work Practice Controls:

If appropriate, have the following work practice controls been implemented:

- | | | |
|------------------------------|-----|--------|
| A. Desk clear of objects | Yes | No |
| B. Unobstructed office exits | | Yes No |
| C. Bare cubicles available | | Yes No |

D. Reception area available	Yes	No
E. Visitor/client sign in/out	Yes	No
--		
F. Visitor(s)/client(s) escorted	Yes --	No
G. Counter top to separate clients from work area	Yes --	No
H. One entrance used	Yes	No
I. Separate interview area(s)	Yes	No
J. ID badges used	Yes	No
K. Emergency phone numbers posted	Yes	No
L. Internal phone system	Yes	No
M.If yes, indicate:		
a. Does it use 120 VAC building lines?	Yes	No
b. Does it use phone lines?	Yes	No
N. Internal procedures for conflict (problem) situations	Yes --	No
O. Parking lot well lighted	Yes	No
--		
P. Other _____		

Are security guards used at this facility? Yes No

If yes, how many

A. At entrance(s)	Yes	No
B. Building patrol	Yes --	No
C. Are they from a contracted security agency?	Yes	No

If no, has consideration been given to the local law enforcement response capability? Yes No

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Comments: _____

Workplace Violence Prevention Policy

Appendix D Workplace Violence Prevention Training

Has training been conducted? Yes No

If yes, is it provided?

1. Prior to initial assignment Yes No

2. Annually thereafter Yes No

Does training include:

A. Components of security control plan Yes No

B. Engineering controls instituted at the workplace Yes No

C. Work practice controls instituted at the workplace Yes No

D. Techniques to use in potentially volatile situations Yes No

E. How to anticipate/read behavior Yes No

F. Procedures to follow after an incident Yes No

G. Periodic refresher for on site procedures Yes No

H. Recognizing substance abuse/paraphernalia Yes No

I. Opportunity for Q&A with instructor Yes No

Are training records kept? Yes No

Floor Plan, Evacuation Plan

Are emergency evacuation plans current? Yes No

Are floor plans posted showing exits, entrances, location of security equipment, etc? Yes No

Are emergency evacuation drills conducted annually? Yes No

Conclusions:

Do employees feel safe? Yes No

Comments: _____

Comments and recommendations based on this evaluation:

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