

**MINUTES OF THE REGULAR MONTHLY MEETING OF
THE TOWN BOARD OF THE TOWN OF NEW LEBANON
HELD ON OCTOBER 13, 2020**

Present: Tistrya Houghtling, Supervisor
Jesse Newton, Councilmember
Norman Rasmussen, Councilmember (online)
Deborah Gordon, Councilmember (online @ 7:06 pm)
John Trainor, Councilmember

Recording Secretary: Marsha "Marcie" Robertson, Town Clerk

Others Present: Cynthia Creech, Deputy Court Clerk, CAC & ZRC Member & BEDC
Cissy Hernandez, CEO, ZEO
Jeff Hattat, Deputy CEO
Maggie Banker, DCO
Steve Powers, CAC & CSC Chair (online)
Bruce Shenker, NL Rep to CC Enviro Mgmt (online)
Marc Anthonisen, CSC (online)
Ted Salem, ZBA Member & ZRC Chair
Monte Wasch, BEDC Chair
Cara Humphrey, Astral Power (online)
Jill Falchi Henck, CDRPC (online)

CALL TO ORDER:

The meeting was called to order at 7:02 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 **September 8, 2020** meeting were reviewed. A motion was made by Supervisor Houghtling, seconded by Councilmember Trainor approved unanimously except Councilmember Gordon 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 September 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 Newton to accept the Supervisor's report as typed. The motion was seconded by Councilmember Trainor.

Roll Call Vote:

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

PRIVILEGE OF THE FLOOR:

Supervisor Houghtling checked her email and there were none for privilege of the floor. Supervisor Houghtling stated that for anyone watching the live stream if you have any comments that you want put into privilege of the floor you can email them to her at supervisor@townofnewlebanon.com and she will read any emails that are received.

SOLAR PRESENTATION:

Supervisor Houghtling stated that we have Cara Humphrey and Jill Falchi to present a solar presentation. Supervisor Houghtling thanked Bruce Shenker for inviting them.

Bruce Shenker introduced Jill Falchi, the Capital District Regional Planning Commission and she is our advisor on Climate Smart. Cara Humphrey has been in the solar industry for quite a while. The basic idea of this is a Climate Smart Community action is to have a solarize plan and that is what they are going to present. The solarize plan does not require anyone to do anything, it is making it easier for people that want to get their electricity through solar power. It is going to offer them various opportunities and that also includes the Town Board and other town entities that might want to use solar power to get their electricity.

Cara Humphrey from Astral Power gave a presentation on community solar. Community Energy is clean energy coming from local solar farms. It is available to homeowners and renters. It does not require any out of pocket expense or investment. There is guaranteed savings on your utility bill. There shouldn't be any cost to enroll and no penalty to cancel. Community solar is not equipment mounted on your roof. There is no ongoing maintenance cost. It is not an electricity retailer or a third-party electric supply company, otherwise known as an ESCO. If you choose to participate in community solar, you will see community solar credits coming off your supply and delivery portion of your bill. The credits that you receive are actually the dollar value of what your portion of the solar farm produced. Please see attached **Addendum A** for the full power point presentation given.

Jill Falchi-Henck, Clean Energy Coordinator with Capital District Regional Planning Commission has been working with the town for several years and the town's Climate Smart Task Force since its conception. Jill stated that in addition to working with the Climate Smart Program she is funded through NYSERDA's Clean Energy Communities Program and the Town of New Lebanon is a designated community. The town has already completed four of the high impact actions, Benchmarking; LED Street Lights; Unified Solar Permit and Energy Code Enforcement Training. Jill stated that she will be discussing

Clean Energy Upgrades and Community Campaigns because they are both actionable through Community Solar. Solarize is a community campaign that would be led by the Climate Smart Task Force and it is geared towards residents. In the case of Community Solar, the Climate Smart Task Force would suggest to the Town Board adopting language promoting that they move forward with the Community Solar Campaign. They would then come up with a plan to choose a Community Solar Company. Once the Task Force has chosen a company, they would promote that company through webinars or the Farmer's Market Table for example. In this situation they would be targeting residents and small commercial businesses. Jill stated that certain community solar companies will take on subscribers that are demand customers and sometimes they will not. So, when the task force is going through that vetting process and talking to the community solar companies that is one of the really important questions, they will want to ask them. Jill stated that the next thing would be to reach out to the residents and promote the benefits of community solar (most companies if not all promote monetary savings). Relating to municipal operations and saving the town money on their electric bills, New Lebanon is not a large municipality, however the Town hall does have a demand meter. The Town is eligible to sign up for community solar, however when selecting that community solar provider, we need to be explicit about asking them whether or not they accept demand meter customers. If the Town does decide to do that, we would receive a reduction on the electric bills and the Town would meet the requirements of clean energy upgrades and that would mean completing two more high impact actions. There are monetary incentives associated with completing more high impact actions. Please see attached **Addendum B** for the full power point presentation given.

Supervisor Houghtling stated that this is a program that doesn't require anybody to do anything, so if the town adopts this and moves forward with this, we are providing an opportunity for those residents who wish to partake in this program. There will be zero requirement for anyone in the community to participate if they do not want to. Supervisor Houghtling asked what would those next steps be if the board were interested in moving forward? Would they hand it off to the Task Force to then prepare a Resolution for next month's meeting to be adopted?

Jill Falchi-Henck responded to Supervisor Houghtling, yes she would say turn it over to the Task Force. Perhaps some guidance tonight from the Town Board whether they would like the Task Force to move forward with a municipal building only Community Solar movement or a resident targeted Community Solar campaign or both.

Supervisor Houghtling stated that her understanding is that if the Board wants to do both would it be a separate resolution for the Town Hall and town buildings and then one for the public solarized campaign.

Jill Falchi-Henck responded to Supervisor Houghtling that it could be in one resolution, as long as it is explicit about each action.

Councilmember Newton stated that he may not be able to get behind all of the climate

smart plans, but definitely the solar he can.

There was some further discussion between the Town Board, Cara Humphrey and Jill Falchi-Henck.

Supervisor Houghtling stated that it sounds like everyone on the Town Board is in support of this, so she asked Steve Powers, Marc Anthonisen and Bruce Shenker if they could work with Jill Falchi-Henck on getting a resolution prepared for next month's Town Board Meeting, that would be great.

BUDGET AMENDMENT #7 OF 2020:

Supervisor Houghtling stated that the .4 of the Historian needs to go up \$100.00, we didn't really have anything budgeted in there and we moved over some that we needed to but there are more supplies and fees that she needed. The Building Department needs a new filing cabinet, so she proposes to take that from Clean Up Day. In the Highway Fund, we have an unemployment claim that we do need to pay.

General Fund:

\$ 100.00 from A-1990.4 (Contingency)
\$ 1,000.00 from A-8160.41 (Refuse & Garbage – Clean Up Day)
\$ 100.00 to A-7510.4 (Historian – Cont. Exp.)
\$ 1,000.00 to A-8664.2 (Code Enforcement - Equipment)

Highway Fund:

\$ 418.00 from DA-5130.2 (Machinery - Equipment)
\$ 418.00 to DA-9050.8 (Employee Benefits - Unemployment)

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 -	Aye
Councilmember Trainor -	Aye

AMEND ABSTRACT #2 & #4 OF 2020:

Supervisor Houghtling stated that when she and Town Clerk Robertson were working on budget, we realized there were two errors back in February and April. So, we need to amend Abstract #2 and #4 of 2020. On Abstract #2, Voucher #56 was correct on the Voucher for it coming out of A-1680.4 but when it was entered into BAS it was entered out of A-1670.4. On the MIS bill on Abstract #4, Voucher #129 the entire amount was taken out of A-1680.4, but \$1,178.28 should have come out of A-1355.2 for the Assessor's laptop.

A motion was made by Supervisor Houghtling and seconded by Councilmember Newton, approved unanimously to amend Abstract #2 and #4, amending Voucher #56 to come out of A-1680.4 and Voucher #129 to take \$1,178.28 out of A-1355.2.

AUDIT OF BILLS:

General No.307, in the amount of \$85.00;
As listed on Abstract No. 9A dated October 13, 2020.

General Nos. 308 through 350, in the amount of \$31,422.31;
Highway Nos. 95 through 105, in the amount of \$32,299.47; and
Escrow Nos. 14 through 16, in the amount of \$2,400.00;
As listed on Abstract No. 10 dated October 13, 2020.

A motion was made by Councilmember Newton and seconded by Councilmember Trainor to pay the above noted claims from their respective accounts.

Roll Call Vote:

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

OLD BUSINESS:

Adoption of Local Law #2 of 2020:

Supervisor Houghtling stated that we just had a Public Hearing on this proposed Local Law. Supervisor Houghtling stated that she doesn't disagree with Jim Carroll's comment that preemptive actions are good things to prevent any issues from happening. Supervisor Houghtling asked do we know of any issues that have already occurred that we are looking to address or is this really more of a regulation to make sure there aren't issues in the future?

Councilmember Newton stated that he believes there has been a problem property that operates as a short-term rental, that Cissy Hernandez can agree with. Cissy Hernandez took some time and did some digging and found that there have actually been issues dating back into the 80's. So historically that place has been an issue no matter what it is.

Supervisor Houghtling asked if this proposed Local Law would address at least some of the issues, noise is the biggest one? She doesn't think this local law addresses noise. Although with a special permit, can't you put a noise restriction in there?

Ted Salem stated that there is a provision in the special permit.

Supervisor Houghtling stated that the answer is yes, there have been multiple issues,

maybe it has only been one property, but there have been issues and this local law would address those issues.

Councilmember Rasmussen stated that he gets that, but does it make sense to pass a law to address a problem with one property in town? He is a little concerned that is the issues changed in the law all have to do with one property, even if they have been going on for thirty or forty years that it seems if we pass a new law every time one property in town has an issues, we are going to end up with an awful lot of laws that actually don't apply to 99% of properties in town. This is just a concern that this discussion brought up for him. The other thing that he really likes, is the need to do Public Hearings because people who care about an issue an opportunity to speak up. The people who came to the public hearing pointed out, everyone who was there was against it, and nobody who was for it bothered to show up or wrote in favor of it. So, if 100% of the Public Hearing participants are against something we ought to stop and ask ourselves, are we really sure this is what we ought to be doing.

Councilmember Newton stated right. He did comment towards that, they are talking about legislating their particular business. They are going to be the ones that come out of woodwork from everywhere. That being said, he has actually looked at this law and they have gone through it quite a bit in the Zoning Rewrite Committee and it is hard to decide to legislate something and not something else so similar, short term rental and long-term rental. That is part of the reason they have knocked this law back quite a bit and the ZRC came to a consensus as a group and sent it here. He wanted to make it clear that it isn't just for one property, there have been complaints on others. He does have an issue with this particular section of this local law. He would consider instead of not adopting this as an entire law, possibly amending it. Cynthia Creech pointed out that we do need to make an amendment to the right to farm at least for some clarification.

Councilmember Newton stated that he would like to strike through the one section of the farming and consider straight pausing and striking through the short-term rental and possibly even looking at it again.

Supervisor Houghtling stated that she thinks that is why they have public hearings and it is the job of the Town Board to consider what the public says at a public hearing. There is also that the ZRC worked so hard on this. With this local law, the building department would be the ones to police it. She personally would like to table it. The Building Department is already overwhelmed and under staffed. She also wants to be cautious with the more rules and regulations that they adopt, do we now need another staff member, or do we now need Michelle to become full time or Jeff to increase his hours, which also a budgetary concern.

Councilmember Trainor stated that he agreed with what they are saying, he thinks some points that were brought up about regulating something that really can be taken otherwise. He thinks Tony and Steve made good points and he thinks tabling it for a while would be something they should consider.

Councilmember Gordon stated that she thinks preemptive regulation is not necessarily a bad thing. She thinks the reason the subject came up in the first place was that there have been problems in other communities, much more dramatic problems than we have experienced. She thinks the idea was to look to the future and how we could avoid some of the problems that have occurred elsewhere. She thinks that is what they were attempting to do by making sure that the town had a tool to use to deal with problem properties. If we leave this entirely unregulated, we really are sort of abdicating any assistance that we might be able to offer to neighbors or people who find themselves in a situation of being aggravated at what goes on at a short-term rental.

Supervisor Houghtling stated that to play devils advocate, the ZRC was really open to hearing what the short-term rental owners wanted and did a lot of changes that to her made it not a hard process. She doesn't feel that they are asking a lot of the owners. She does feel that there was already a big compromise made.

Councilmember Newton stated he wanted to state that he would say the building department is over worked but not over whelmed and this would be an easy sell in a lot of other municipalities because every rental gets an inspection when there is a new tenant. That is why partially it is such a hard sell here, because short term rentals and long term rentals are going to be handled differently.

Supervisor Houghtling stated that it sounds like the majority of the board wants to table the law for at least a month. If the local law changes in a substantive way, which is what they are talking about, you will have to have another public hearing on it.

Councilmember Rasmussen stated that he thinks a thirty- or sixty-day pause would be a good thing.

Supervisor Houghtling asked Ted Salem was there any discussion about long term rentals and if we do this for short term rentals do, we potentially do it for long term rentals?

Councilmember Newton stated that he thinks he was the only one that made that point, just as an example. He doesn't think that anybody was suggesting that we were going to shift to long term.

Ted Salem stated that there was a conversation started that if they do one, maybe they should think about doing the other. It was decided that they weren't going to propose that at this point but it was kind of back burner.

Councilmember Newton stated that is what a building inspector would do, these two people here (Cissy and Jeff) are not building inspectors. They are trained far higher than that but there would almost need to be another desk in that office just to cover all of the rentals on a regular basis, another position.

Supervisor Houghtling stated to Cissy Hernandez that she doesn't need an answer right now, but she would like to check in and see how with this local law as proposed, how it will affect her office.

Cynthia Creech stated that she thinks if we don't do this, if you postpone the change and the implementation of the short-term rental does that put Bed & Breakfast back where it was?

Councilmember Newton responded to Cynthia, that it would be yes because it is part of this local law filing.

Cynthia Creech stated just keep that in mind. As earlier mentioned, you are already regulating Bed & Breakfasts which the Air B&B short term rental has essentially taken the place of.

Supervisor Houghtling stated that in light of the tremendous amount of work that the ZRC has put into this already and the town attorney and town tax dollars to create this local law, she is not comfortable just saying they are going to table it without having a game plan, that is unfair to the ZRC.

Cissy Hernandez stated that if the inspection piece of these short-term rentals involved any sort of fire inspection, that we contract that out to Pete Latanzio and one of the things on the agenda tonight is a request for the board to consider charging a small fee for those inspections. So, it is not necessarily putting a lot of extra work on her office.

Councilmember Gordon stated her understanding from the ZRC meetings was that the inspection for the special permit would primarily consist of making sure that there was adequate egress from a room or apartment and also that the smoke and CO2 alarms were adequate and operable. She doesn't know if the fire inspector has to be involved in that or not.

Cissy Creech responded to Deb, that it is part of the fire inspection.

The Town Board unanimously agreed to table the Proposed Local Law #2 of 2020 until next months meeting, November 10, 2020.

Adoption of Local Law #3 of 2020:

Supervisor Houghtling stated that if Proposed Local Law #3 of 2020 gets adopted it will become Local Law #2 of 2020 because of the previous proposed law being tabled.

Supervisor Houghtling asked the Town Board if anyone has any concerns about Local Law #3? No concerns were had.

Supervisor Houghtling made a motion to ratify Part 1 of the Full Environmental Assessment Form in connection with proposed Local Law #3 of 2020 as prepared by the

Attorney for the Town and as executed by the Town Supervisor. Councilmember Trainor seconded that motion.

Roll Call Vote:

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

Supervisor Houghtling made a motion to adopt Part 2 of the Full Environmental Assessment Form in connection with proposed Local Law #3 of 2020 as prepared by the Attorney for the Town. Councilmember Newton seconded that motion.

Roll Call Vote:

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

Councilmember Newton made a motion to adopt a negative declaration under SEQRA in connection with proposed Local law #3 of 2020 in the form of Part 3 of the Full Environmental Assessment Form and to direct and authorize the Town Supervisor to satisfy the filing and publication requirements in accordance with applicable regulations. Councilmember Trainor seconded that motion.

Roll Call Vote:

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

Supervisor Houghtling made a motion to enact Introductory Local Law #3 of 2020 as Local Law #2 of 2020 and to authorize and direct the Town Clerk and Town Supervisor to transmit Local law #2 of 2020 to the New York Secretary of State for filing in accordance with the Municipal Home Rule Law. Councilmember Newton seconded that motion.

Roll Call Vote:

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

Councilmember Trainor - Aye

Please see **Addendum C** for Local Law #2 of 2020.

Estimated Revenue Decreases and Expenditure Cuts:

Supervisor Houghtling stated that there is no new update.

Water Testing Status:

Supervisor Houghtling stated that we have received unofficial confirmation that all of the tests were negative. We are still waiting on a few official test results.

Temporary Sign Regulation Extension:

Supervisor Houghtling stated that the current sign regulation allowance expires 10/15/2020, she would like to extend it another two months.

Councilmember Trainor agreed.

Councilmember Newton asked if we know how many people are actually putting out the additional signage, he hasn't seen much. He will extend it.

Councilmember Gordon stated that she is opposed to extending it because she doubts that it is very effective and she thinks for the reason that we have a sign ordinance at all, it detracts from the appearance of the town to load it up with more signage.

Supervisor Houghtling made a motion to extend the temporary sign allowance with the same conditions that were put in place prior through December 15th of 2020.

Councilmember Trainor seconded that motion.

Roll Call Vote:

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

Pavilion Cameras:

Supervisor Houghtling stated that after talking to the Town Attorney, we do actually need more quotes on the security cameras even though we already have a vendor that we contract with. Our Procurement Policy says because it is between \$1,000 and \$5,000, we need an oral request for proposals and oral/fax quotes from at least two vendors.

Supervisor Houghtling stated that she reached out to five vendors and all of them either have a non-compete clause or they are not currently installing camera systems due to COVID. The Attorney advised that we just needed to have that on the record and we can move ahead in accepting Doyle's quote.

Supervisor Houghtling made a motion having reached out to multiple vendors for a second quote and being unable to obtain one to accept the bid from Doyle Security in the amount of \$2,879.60. Councilmember Newton seconded the motion.

Roll Call Vote:

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

Free Store Re-Opening Plan:

Supervisor Houghtling stated that we tabled it last month to see if we could come up with a compromise allowing people access without necessarily letting people in the building. The volunteers on the Climate Smart Task Force that have taken over coordinating the Free Store came up with a wonderful solution. Supervisor Houghtling thanked Michael Carey at the Valley Plaza, we are going to be putting a coat rack with only winter coats down by the Family Dollar under the cover and there will be a book with photos of some of what's available in the Free Store and a sign letting people know that if they need any clothing or footwear, they are to email the volunteers with what they need, color, size, etc. Supervisor Houghtling gave credit to Zineb & Sarah, it was actually their idea.

Next Newsletter November 1st – Submission Due By 10/19:

Supervisor Houghtling stated that for anyone who hasn't yet gotten their submissions to the Town Clerk's office they are due by October 19th. That is for any Town department, employee or committee.

Dog Control Officer Requests:

Supervisor Houghtling stated that a couple of months ago, Maggie Banker, DCO Officer came before the Town Board with a couple of requested changes, the Town Attorney has been working on those. Supervisor Houghtling stated that in further conversation with Maggie, there was two other things that she wanted to look into. In talking to the Town Attorney about them, he said they would require some work on his end to look into our contract with Columbia Greene Humane Society (CGHS) as well as how to go about it. Supervisor Houghtling didn't want to spend attorney money on this without knowing if the Town Board was in favor of these proposed changes.

Supervisor Houghtling stated the two new requests are when a dog comes in to our DCO as of right now we contract with CGHS, and there are some breeds that are not considered adoptable breeds. Our DCO in the furtherance of keeping dogs alive and finding them loving homes, would like the option to make a call as to whether the dog goes to the Humane Society or to a rescue. This could possibly prevent some dogs from being euthanized.

The second request has to do with Maggie who has been approved by NYS Ag & Markets to hold dogs at her home, and she would like the opportunity to officially keep the dogs at her

house for a set amount of time before bringing them to Hudson. This allows for more time in locating the owner if possible and eliminating costly fees if possible. Maggie is requesting a small sheltering fee of \$20.00 per night. This fee would be charged to the owner, paid to the Town Clerk's office and the Town would pay Maggie via a voucher.

The Town Board member all agreed to move forward on this. Supervisor Houghtling will inform the Town Attorney to move forward.

Planning Board Letters of Interest Received – Interviews Scheduled:

Supervisor Houghtling waived the reading of the notice and asked Town Clerk Robertson to enter in the minutes in full.

**PUBLIC NOTICE
TOWN OF NEW LEBANON
RECREATION COMMISSION MEMBER
CLIMATE SMART TASK FORCE VACANCIES
PLANNING BOARD MEMBER**

NOTICE IS HEREBY GIVEN that the New Lebanon Town Board is seeking persons interested in serving in the following positions:

RECREATION COMMISSION MEMBER: (to finish out a 7 year term – expires 12/31/2025): Recreation commission members must be residents of the Town of New Lebanon. The Recreation Commission is vested with the authority to establish, equip, operate, and maintain playground and community programs and facilities. To find out more information please email Tegan Cook at nlrecreation.cook@gmail.com.

CLIMATE SMART COMMUNITIES TASK FORCE: The town has pledged to be a Climate Smart Community. We have set up a task force to work on helping the town to achieve actions related to the Climate Smart Communities Program. The committee meets monthly with meetings held the first Wednesday of the month at 7:00 pm. We are looking for residents who are interested in working on Climate Smart Certification Actions to serve on this committee to fill two vacancies. To find out more information please email Steve Powers at nlcac.powers@gmail.com.

PLANNING BOARD MEMBER: (to finish out a 7 year term – expires 12/31/2021): The Planning Board meets the third Wednesday of each month. The primary responsibilities of the Planning Board are to review and approve subdivision plots, site plans, and certain special use permits. To find out more information please email Elizabeth Brutsch, PB Chair at nlpb.brutsch@gmail.com.

NOTICE IS FURTHER GIVEN that all applicants must be residents of the Town of New Lebanon. Persons interested in serving in any of these positions are to submit a letter of interest to the New Lebanon Town Clerk. Letters may be submitted via mail to P.O. Box 328, New Lebanon, NY 12125; delivered to the Town Hall at 14755 Route 22; or emailed to townclerk@townofnewlebanon.com. Letters must be received in the Office of the Town Clerk by 4:00 p.m. on Friday, October 9th, 2020.

INTERVIEWS to be held on October 19, 2020 starting at 6:00 pm at a Special Meeting of the Town Board for the Planning Board vacancy and if there are multiple letters of interest for the Climate Smart Task Force and the Recreation Commission vacancies interviews will be held at the special meeting as well.

Marcie Robertson
Town Clerk
09/14/2020

Supervisor Houghtling stated that we already had interviews scheduled. We received one letter of interest from Monte Wasch who is the Chair of the Business Economic Development Committee. This Town Board interviewed Monte for the Ethics Board, unless anyone is opposed, she doesn't feel the need to interview him again and we only have one applicant, she feels comfortable appointing him tonight. If anyone else prefers to do an interview, that is fine as well.

Councilmember Newton stated that he was on the interview with Monte for the Ethics Board as well.

All Town Board members agreed, not necessary to interview.

Supervisor Houghtling made a motion to appoint Monte Wasch to the Planning Board vacancy expiring 12/31/2021. Councilmember Trainor seconded that motion.

Roll Call Vote:

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

Climate Smart Task Force Letters of Interest Received – Interviews Scheduled:

Supervisor Houghtling stated that she will waive the reading of the notice. It is the same notice for vacancies, so it will only appear once in the minutes. See the notice above in minutes under Planning Board Letters of Interest.

Supervisor Houghtling stated that we only received one letter from Peg Munves, she is already on the CAC. Supervisor Houghtling stated that she talked to Steve as the Chair of the CSC, he feels no need to interview Peg and would like to welcome her onboard. So, unless any Town Board members are opposed, no interview will be held.

Supervisor Houghtling made a motion to appoint Peg Munves to the Climate Smart Task Force, there are no expiration dates on that committee. Councilmember Trainor seconded that motion.

Roll Call Vote:

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

Recreation Commission Letters of Interest Received – Interviews Scheduled:

Supervisor Houghtling stated that for this vacancy we did not receive any letters of interest. Historically it has been tough to fill this committee. We recently got to the seven members, now we are down to six. Supervisor Houghtling's recommendation would be when we look at what positions are expiring at the end of this year, if there are any positions that we are going out for notices on we include this one with that as opposed to a standalone expense.

The Town Board agreed.

Highway Equipment Asset Management Plan:

Councilmember Newton stated that he emailed Councilmember Rasmussen and it doesn't appear that we've got our budget request in from the highway. There are no current requests for new equipment and he hasn't had ample time to work on the Asset Management Plan. He would like to table this until after budget season because there are a lot of meetings.

Supervisor Houghtling stated that it will be tabled until December meeting. For her she would like to see this before we make new purchases and because he didn't put in any request for new equipment, she doesn't think there is as much of a time crunch on it.

Councilmember Rasmussen agrees.

NEW BUSINESS:

Designate Winter Meeting Location:

Supervisor Houghtling stated that she thinks we should designate a larger space for winter meetings when needed. The Town Board held brief discussion on options for locations and pros and cons to all. The Board agreed to designate LVPA as an alternate meeting space.

Supervisor Houghtling made a motion, seconded by Councilmember Trainor and approved unanimously to designate the Lebanon Valley Firehouse at 523 US Route 20, New Lebanon, NY 12125 as an indoor meeting space for any Town Boards or Committees that wish to hold their meetings there with Supervisor Houghtling updating the Town Safety Plan to include that location with all of the same rules and parameters that exist here at the Town Hall.

Annual Required Employee Training – Must be Completed By 12/31/2020:

Supervisor Houghtling stated that the sexual harassment and workplace violence training are still being required to be completed before the end of the year. The County for \$50.00

an hour will do the training for us. Normally they would just come here to the Town Hall and do the training but with COVID they cannot do that. It also has to be a live training not a recorded one like we did with COVID training. Supervisor Houghtling stated that we will set up one in person training and one online live training and schedule a make-up date as well.

Appointment for Cleaning Services for Remainder of 2020:

Supervisor Houghtling stated that originally, we went out to bid for cleaning services to start January 1st, 2021 but unfortunately the current cleaner cannot clean for the rest of 2020 due to medical reasons. We are now looking to appoint immediately for the remainder of 2020. We will make a re-appointment in January 2021.

Supervisor Houghtling made a motion to appoint Jody Brewer as the Town Cleaner for the remainder of 2020 at a rate of \$17.00 per hour, for seven hours a week to be paid via voucher. Councilmember Trainor seconded that motion.

Roll Call Vote:

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

Set Public Hearings for Budget and Contracts:

Supervisor Houghtling stated that we need to set dates for Public Hearings and CRS and LVPA Contracts. The following dates were scheduled:

10/22/2020 @ 6:55pm Public Hearing for the Chatham Rescue Squad Contract
10/22/2020 @ 7:00pm Special Meeting & Budget Workshop (location change)
11/04/2020 @ 6:00pm Public Hearing on LVPA Budget
11/04/2020 @ 6:15pm Public Hearing on Town Budget
11/04/2020 @ 6:30pm Public Hearing on LVPA Contract

Business & Economic Development Committee Resignations:

Supervisor Houghtling stated that when we were doing the safety training, we had three members that due to time and other constraints couldn't complete the training. We have received three letters of resignations from Marc Frey, Shawna Fitzsimmons and Peter Flierl.

Supervisor Houghtling made a motion, seconded by Councilmember Trainor and approved unanimously to accept all three resignations.

LVPA Contract Amendment – 990 Extension:

Supervisor Houghtling stated that our contract with the LVPA states that they will file their 990 with the Town by October 15th of each year. Due to COVID, the LVPA has had to get an extension on their 990, which the IRS has granted. Supervisor Houghtling wants to do a

contract amendment so that we are not in breach of our contract.

Supervisor Houghtling made a motion to amend page 8 of the LVPA Contract for the year 2020 under section 14B that says the Association shall provide the following documents and information on or before October 15th each year Section 3 the Associations compiled financial statements for the most recent completed fiscal year to be filed with the Town Clerk's office to say that they must be filed within seventy-two (72) hours of the LVPA's filing with the IRS. Councilmember Newton seconded that motion.

Roll Call Vote:

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

Farmer's Market Request:

Supervisor Houghtling stated the Farmer's Market is interest in holding two markets, one in November and one in December at the Shatford Park pavilion, they would like to have it under the pavilion with some of the outdoor patio propane heaters. They are looking at Sunday, November 15th and Sunday, December 13th.

Supervisor Houghtaling stated the only possible conflict would be that if the weather is cold enough it would be great to get the ice-skating rink put together and working.

Councilmember Newton stated that if we do say yes to the Farmer's Markets request and weather permitting, he could have the rink up right after the December date. He also stated that this year he is getting a thicker liner in hopes that it won't get ripped.

Councilmember Gordon stated that she doesn't think the weather will be cold enough to have the rink skateable in the middle of December anyway.

Supervisor Houghtling made a motion, seconded by Councilmember Trainor and approved unanimously to authorize the Farmer's Market to use the pavilion on November 15th, 2020 and December 13th, 2020 following all safety protocols as laid out in the Town Safety Plan which Supervisor Houghtling will communicate directly with Josh who manages the market.

Town Insurance Proposal:

Supervisor Houghtling stated that Fingar, who used to be our insurance agent contacted her and wanted to offer us a quote through NYMIR our old carrier.

Councilmember Newton stated that he remembers that when Metzwood Harder quoted insurance for the town they were much lower, so he is fine staying with our current insurance broker.

The rest of the Town Board agreed.

Fee for Fire Inspections:

Supervisor Houghtling read the following email from Cissy Hernandez, CEO, ZEO:

A decision to be made as to whether or not the Town would like to begin charging a fee for Fire Safety Inspections: It was discussed by the previous board upon the hiring of Pete Latanzio that we would ultimately begin to charge a fee to off-set salary. I have spoke with Mr. Latanzio regarding this matter. Should the current board wish to implement this new fee; we recommend a fee of 50.00 per structure/building on-site. (ie: Darrow School has multiple buildings on site. Therefore; there would be a 50.00 charge for each building to be inspected). Please advise which meeting this would be discussed as I would be happy to attend should questions arise.

Supervisor Houghtling stated that she personally thinks we should charge a fee. It is something that costs us money to have done, she thinks we should charge to offset that.

Councilmember Newton asked Cissy if she knew how many fire inspections that Peter usually does.

Cissy Hernandez responded that she didn't have those figures with her tonight.

Councilmember Gordon asked how often we have to do these?

Cissy Hernandez responded to Councilmember Gordon three family or more houses, non-residential buildings every three years and public assembly once a year.

The rest of the Town Board agreed.

Supervisor Houghtling stated that she would send this to the Attorney, she thinks we can just do a resolution.

Supervisor Houghtling read the next item in Cissy Hernandez's email:

We have discussed obtaining an escrow for Construction plan review for commercial projects as well as other complex residential projects in the event we may require the assistance of the Engineer. I do not have experience in this area as I do not recall the prior CEO requesting assistance from the Town Engineer on construction projects therefore; I am requesting guidance. We do have Chapter 103 (Consultant fees) . I just do not know if CEO's are granted authority under Chapter 103 to request escrow as it seems to imply "boards" or do we need to be authorized in some other manner? I am very familiar with obtaining escrow for complex planning Board projects in the past, and I currently request escrow on Town Board Cell Tower Mods Application (CMS); but never for building department construction projects. Any guidance on this will be greatly appreciated.

Supervisor Houghtling stated that she did email the Town Attorney because she didn't know the answer.

The Attorney responded: *Requiring escrow for consultant review of a project generally requires local law authorization and the Town's law on consultant fees does not currently provides for escrow for a building permit/construction plan review. That would need to be specifically authorized. I have not seen that done before in my experience but I don't see any reason why adoption of a local law authorizing it would not be legally permissible. I would want to confirm that there is no statutory provision that precludes it but it seems like a concept that would be doable.*

Supervisor Houghtling stated that her only hesitation in the Attorney's response is that he hasn't seen it done before, so she doesn't know if we want to be the only town that charges that.

Cissy Hernandez, CEO, ZEO responded to that by stating so, the Town Engineer just reviews the plans as part of his salary.

Councilmember Newton stated that we have Planning Board and the boards will assign escrow amounts for some of these projects. He stated that he is currently fine with the way it stands, obviously we are losing our current engineer and with the new engineer if we start seeing a lot of consultation charges, we may have to revisit it.

Supervisor Houghtling stated that she thinks Paul does a lot of freebies for us, which we are not expecting the new engineer to do and so if all of a sudden, we are spending a lot of money on these consultations, maybe we revisit it.

Supervisor Houghtling stated to Cissy, on the filing cabinet we already did the budget amendment for, so you can go ahead do that.

Special Event Permitting:

Supervisor Houghtling stated that everyone got Cissy's email, she will not read it out loud. Ted Salem commented that this would be appropriate to come to the ZRC.

Councilmember Newton stated that they have discussed this Chapter 101 before and this person did have an event that it was brought to the Town Board who approves these. There were too many criteria that he didn't meet to fall into that Chapter 101, Special Events and that's when they discussed if they should take a look at it. It was decided that they are so rare, this was like the first time that it has been brought up to him as sitting on the ZRC board.

Ted Salem stated that it is up to the applicant and that he would assume the Building Department to make a determination upfront. It is a Special Permitting in advance of an event with the number of people expected.

Cissy Hernandez, CEO, ZEO asked if Chapter 101 doesn't apply, do they just get to go do it?

Councilmember Newton stated that is what they discussed. This same event was held last year and it didn't fall anywhere clearly into the rest of the zoning except for this 101.

Supervisor Houghtling stated that before we send the ZRC to work on this, she wants to know from the Town Board if they feel that this is something that needs addressing.

Councilmember Trainor stated not urgently.

Councilmember Rasmussen stated that in the last three years there have been two events that fall on either side of the current line. That doesn't sound like the kind of thing we need to have the ZRC working on.

Supervisor Houghtling asked if the Town Board wants to look into this further?

Supervisor Houghtling asked Ted Salem, ZRC Chair if the ZRC was willing to do some initial research and then come back to the Town Board with their findings?

Ted Salem agreed to do this and will get back to the Town Board. Cissy Hernandez was good with this for now.

Policy Review – Procurement Policy, Personnel Policy, Historic Items Policy & Tool Policy:

Supervisor Houghtling stated that after tonight's meeting we have four more policies to review before the year end. That will be two a month. November will be Fee Schedule and Code of Ethics and December will be Workplace Violence and Sexual Harassment.

Supervisor Houghtling stated that regarding Code of Ethics, back in February 27th when we first had a full Ethics Board again, she emailed the Ethics Board members with some of the things from the Town Board that they wished to discuss. This was sent to Tom Gerety, Chair of Ethics on July 20th. Supervisor Houghtling stated that she followed up with Tom recently and asked for feedback by November 2nd and he responded that they will not be able to meet that deadline, it wouldn't be until the new year.

Supervisor Houghtling stated that as the Town Board they have a few options, they can do a preliminary review in November and identify the items they would like to change and then send to the Ethics Board for their review and input. Or they can go ahead as the Town Board, as the body that makes the codes and the laws, but she doesn't feel comfortable doing that without the Ethics Board's input.

Councilmember Newton stated that he prefers to not put the Ethics Board under the gun.

Councilmember Trainor stated that sounds fine.

Councilmember Rasmussen stated that he thinks they should hear from the Ethics Board.

Supervisor Houghtling stated okay, that she will put it on next month's agenda because they have to review it.

Tool Policy: Supervisor Houghtling stated that this is not really an official Town Policy. When she was Town Clerk, Kevin Smith as Park liaison came to her, asked her to type this up and call it the tool policy.

TOWN OF NEW LEBANON

P.O. Box328
14755 STATEROUTE22
NEW LEBANON, NEW YORK 12125
www.townofnewlebanon.com

Town of New Lebanon Tool Policy

No Town tools will be removed from Town property unless they are being used for Town business.

No Town tools will be utilized for anything other than Town business.

I agree to this Town policy.

Employee Signature

Date

Councilmember Newton stated that these are the tools of the Town but we have to be realistic. Donnie uses his personal truck all of the time for stuff here at the Town and Park. To enforce this he feels that this is a bit unnecessary.

Councilmember Rasmussen asked if it has been a problem with tools missing, damaged or misused?

Councilmember Newton replied to Councilmember Rasmussen no, he goes through the park shed on a regular basis and there hasn't been an issue.

Supervisor Houghtling stated that since all of the Town Board agrees, we will just remove it from the Town Policies.

Personnel Policy: Supervisor Houghtling stated that she looked through it and didn't see anything that she wanted to edit or modify. Did any of the Board members have anything that they thought should change.

Supervisor Houghtling made a motion, seconded by Councilmember Trainor and approved unanimously to readopt the Personnel Policy as it is with no amendments. See **Addendum D**.

Procurement Policy: Supervisor Houghtling stated that she looked through it and didn't see anything that she wanted to edit or modify.

Councilmember Newton made a motion, seconded by Councilmember Gordon and approved unanimously to readopt the Procurement Policy as it is with no amendments. See **Addendum E**.

Historic Items Policy: Supervisor Houghtling stated same with this policy, Colleen just created this last year, there wasn't time for the Historian to look over it but she was part of its creation and had reviewed it before it was adopted. Next year she will make sure she gets a chance to adopt it.

Supervisor Houghtling made a motion, seconded by Councilmember Newton and approved unanimously to readopt the Historic Items Policy as it is with no amendments. See **Addendum F**.

COMMITTEE/LIAISON REPORTS:

Assessor (Councilmember Rasmussen):

Councilmember Rasmussen stated he spoke to Kim earlier this week and everything is business as usual, everything is going along smoothly. Kim reports that she has done her very first round performance reviews and she found the process somewhat cumbersome. Some of the issues had to do with the process itself, some had to do with the way she was doing it.

Building Department (Councilmember Newton):

Councilmember Newton stated no report.

Business & Economic Development (Councilmember Gordon):

Monte Wasch thanked the Outreach and Marketing subcommittee with the improvement of the business list. They are scheduled to meet on November 2nd at the firehouse. The resolution that was passed tonight to extend the temporary sign extension through December 15th. Monte requested to pass an amended resolution to make it December 31st.

Supervisor Houghtling stated that it will be on the agenda for the December meeting to extend it until February.

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

Cynthia Creech stated that they had their CAC meeting last night and the committee approved the request to the board to participate in another program Trees for Tributaries. The representative from Trees for Tribes came out and looked at the park and stream bed and was very excited about putting plants along the stream bank. This would be along the stream bed between the ballpark and the highway. There would be tree saplings and seedlings of shrubbery. The board had already approved some raspberries being planted. They would like to participate in that program in the spring if the Town Board would approve that.

The Columbia Land Conservancy has asked them to participate twice annually in their virtual round table if the board approves this, if that requires their approval.

Supervisor Houghtling asked the Town Board if anyone was opposed to looking at the Trees for Tributaries for in the town park? No one was opposed.

Supervisor Houghtling asked the Town Board if anyone was opposed to the CAC participating in the CLC round table? No one was opposed.

Steve Powers, Climate Smart Task Force Chair, stated it's been a busy month for the Climate Smart Communities Task Force. We now have a Facebook group with 65 community members and encourage everyone listening to join the group. We have a social media subcommittee to create educational posts for the Facebook group. If you are not on it, you may notice we do have a Town Facebook group as well. Both of these groups meet the Town Board's requirements that commenting is not permitted in the groups.

We have had a table at the last 5 Farmers Markets promoting composting and offering free refurbished bikes to New Lebanon residents that were fixed up by Marc Anthonisen & Moy Wong- thank you guys!

As Tistrya mentioned Sarah Steadman one of our members has been working with her to reopen the Free Store.

We are working on a town fleet inventory and a community greenhouse gas inventory that will get us points.

We welcome Peg Munves to the Task Force.

Bruce Shenker, Environmental Management stated that they are really moving forward very quickly with making the County a Climate Smart Community. They had a really productive presentation before the Government Committee and they have another private meeting and they are hoping at the next Government Committee they will advance the idea of the County taking the pledge to be climate smart.

Cara Humphrey who did the presentation tonight is also part of another organization called Zero Waste, which is a way of making a circular economy where nothing is really wasted.

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

Councilmember Newton stated he attended the last LVPA meeting, they have new members working with them.

Councilmember Trainor stated Ed runs a good meeting. Budget was the last thing they really discussed.

Highway (Superintendent Winestock & Councilmembers Newton):

Councilmember Newton stated the storm we had that Jeff knew he had to be out in that. The storm produced very high damaging winds. Jesse wanted to stress not to cut trees if there is even a chance that there are wires down or near the trees.

Supervisor Houghtling stated that she would like to thank Jeff and his guys, she knows they were out all night making sure the roads were safe and the LVPA who were on calls almost all night and helped distribute the dry ice and water once we were out of power for 48 hours, provided by NYSEG and thank you to all of the linemen who were out there all night.

Historian & LVHS: (Councilmembers Trainor):

Councilmember Trainor stated that the Historian has been in her office recently. Matt Carr one of their board members created and is continuing with a Facebook site that is worth looking at.

Justice Court/Constable (Councilmember Trainor):

Councilmember Trainor stated that the court is functioning and Cynthia assured him that they will have a great increase in work over the next few weeks.

Library (Councilmember Trainor):

Councilmember Trainor stated that Moriah is developing a virtual reading of play scripts, she is having auditions and casting and will have a presentation in a couple of weeks.

Buildings, Parks & Recreation (Councilmembers Newton):

Councilmember Newton stated nothing major. The contractor that is building the bathrooms is still having an issue acquiring a plumber.

Seniors (Councilmember Gordon):

Supervisor Houghtling stated that she received this update right before the meeting from Mary Young and checked with Councilmember Gordon to make sure it was okay to read it.

OFFICE OF AGING report 10/13/2020

Office of Aging Reps for New Lebanon are new and are working together to assist the eligible population of New Lebanon to know about the benefits available to them offered by

the State, County, Town and their neighbors. Our first County meeting is this Friday via Zoom.

We are updating our list of residents over the age of 55 to include names, addresses, phone numbers and email addresses in order to be able to contact you to be sure you are safe and have your needs met, especially in an emergency. The newsletter will have the way to give us your information and we will also provide that information to the County to add your name to their newsletter mailings.

We will be reporting every other month at the Town Board meetings and more often if necessary. We will be putting in the Town Newsletter information pertinent to programs available to residents of the Town of New Lebanon from the Office of the Aging.

The Town has the names and numbers of the representatives currently as well as information about programs available.

The Influenza vaccine clinic scheduled for New Lebanon is on 10/22 from 10am to noon at the Town Hall. You must register, wear a mask and bring photo identification and proof of insurance if you have any. To register go to www.columbiacountyny-health.com scroll to the New Lebanon clinic and click on an open time. You can also call 5180828-3358 ext. 1310 and leave your name and number and someone from the Health Department will call you back to register you. The vaccine offered is the Fluzone Quadrivalent, NOT THE HIGH DOSE FORMULA.

Volunteers (Councilmember Rasmussen):

Councilmember Rasmussen stated they are gathering lists of names of people building a spreadsheet of people who are currently volunteering for the town. It will take another few weeks and as soon as they have a relatively up to date list, they will do a survey asking all of them if we can offer them more opportunities in the future. If we can make their names available to other groups in town that they are not working with so that we can make the best use of their skills and their willingness to offer. He is also happy to say that he has received a couple of emails from people who saw last months meeting and wanted to make sure that he gets their name on the list because they eager to volunteer or to continue to volunteer.

Project Management (Councilmember Rasmussen):

Councilmember Rasmussen stated that the first one on the list is the Comprehensive Plan and Ted Salem reports that they are in the process of drafting the first cut and the expect to finish that next month. At that point they will start having forms to review them.

Monte's group, the BEDC has been very busy doing lots of things and they expect in the next thirty days to have the most comprehensive list of businesses in town that we have had to date.

He and Jesse have tabled working on the highway inventory and amortization until after the budget is done.

The skatepark is still on target. Councilmember Newton stated that it will be stored at the park, polyed and tarped over.

ANNOUNCEMENTS:

October:

Thursday, October 15, 2020 at 6:00 pm – Special Meeting /Pavilion Bathroom Contract

Thursday, October 15, 2020 at 6:05 pm – Budget Workshop

Monday, October 19, 2020 at 6:30 pm – Special Meeting /Interviews (Planning Board)

Monday, October 19, 2020 at 7:00 pm – Budget Workshop

Thursday, October 22, 2020 at 6:55 pm – Public Hearing Chatham Rescue Squad Contract

Thursday, October 22, 2020 at 7:00 pm – Budget Workshop

Wednesday, October 28, 2020 at 6:00 pm – Budget Workshop

November:

Wednesday, November 4, 2020 at 6:00 pm – Public Hearing on LVPA Budget

Wednesday, November 4, 2020 at 6:15 pm – Public Hearing on Town Budget

Wednesday, November 4, 2020 at 6:30 pm – Public Hearing on LVPA Contract

Tuesday, November 10, 2020 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 Newton to adjourn the meeting at 10:02 pm.

Respectfully submitted,

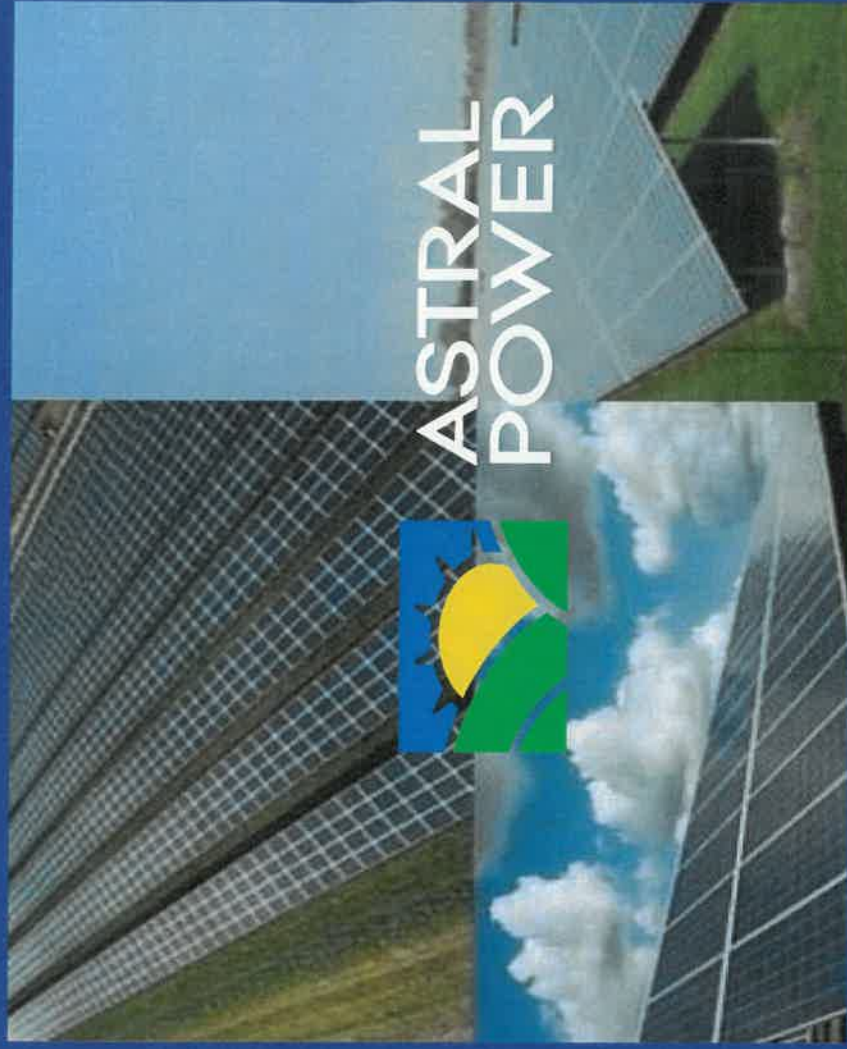
Marcie Robertson
New Lebanon Town Clerk

Addendum A

COMMUNITY SOLAR EXPLAINED

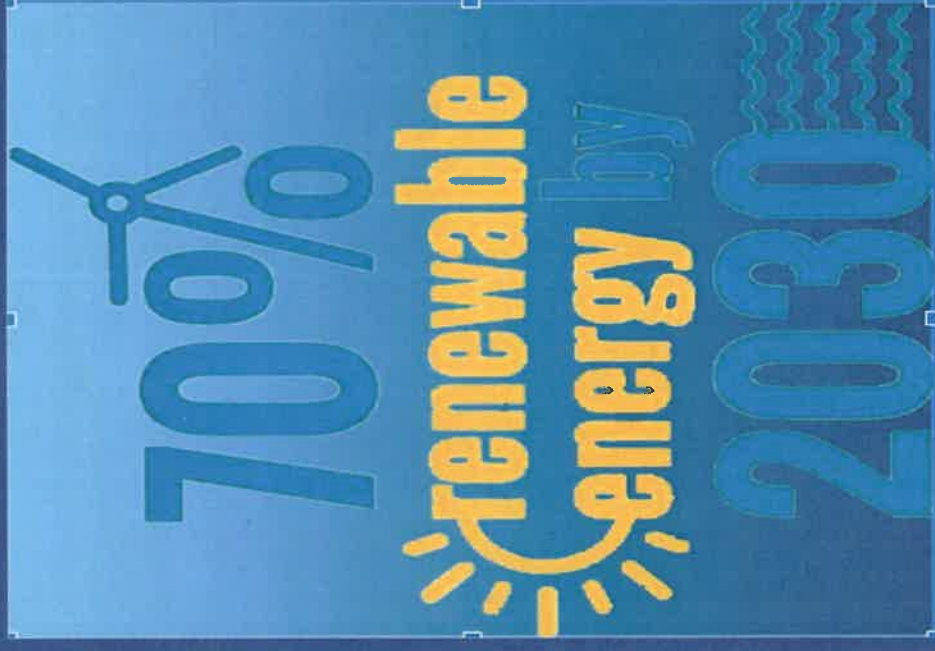
A BRIEF OVERVIEW OF
COMMUNITY DISTRIBUTED GENERATION
IN NEW YORK STATE

CARA HUMPHREY
CARA.HUMPHREY@ASTRALPOWER.COM
914-475-1395
WWW.ASTRALPOWER.COM



NY-Sun, NYSERDA, CLCPA

- 85% Reduction in GHG by 2050
- 100% Carbon Free Electricity by 2040
- 70% Renewable Energy by 2030
- 9,000 MW Offshore Wind by 2035
- 3,000 MW Energy Storage by 2030
- 6,000 MW of Solar by 2025
- 22 Million Tons of Carbon Reduction through Energy Efficiency & Electrification



A mubonebbA

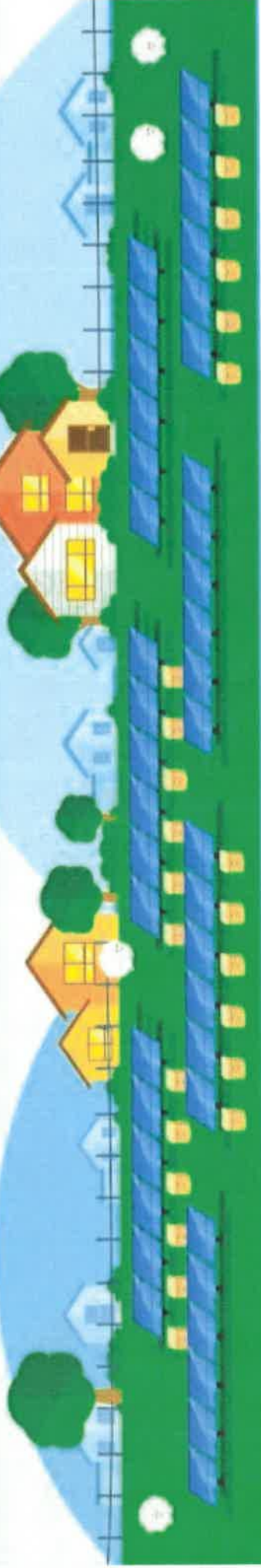
2016: Community Solar Comes to NY

1. Sometimes referred to as Solar Farms, Solar Gardens, Shared Solar, Community Distributed Generation
2. Allows ALL members of a community to share the benefits of solar power even if they cannot, or prefer not to, install solar panels on their property.
3. Subscribers benefit from the electricity generated by the community solar farm, which costs less than the price they would ordinarily pay to their utility.

* WHAT IS COMMUNITY SOLAR?

Community solar is a program where businesses and residents subscribe to a share of a local solar farm where they receive clean solar energy from. This program allows subscribers to:

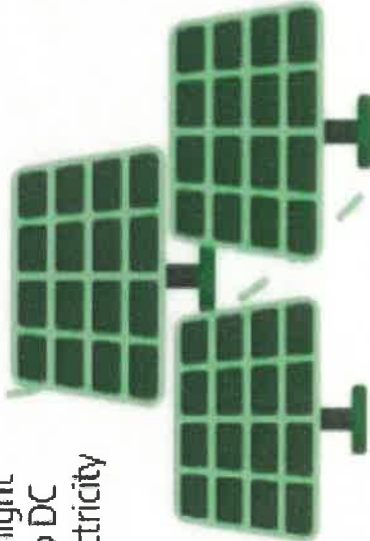
1. Have **access solar power without having to install a solar panel** on their properties
2. Lower their **carbon footprint**
3. **Save** on their utility bill
4. Boost their hometown's **local economy**



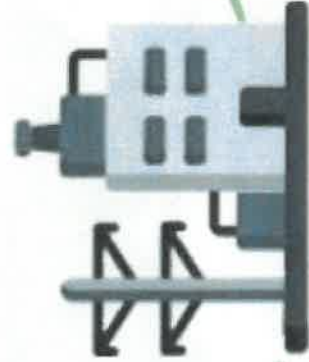


1 The sun is the energy source

2 Solar panels convert sunlight into DC electricity



3 The electricity is converted from DC to AC and sent to the grid



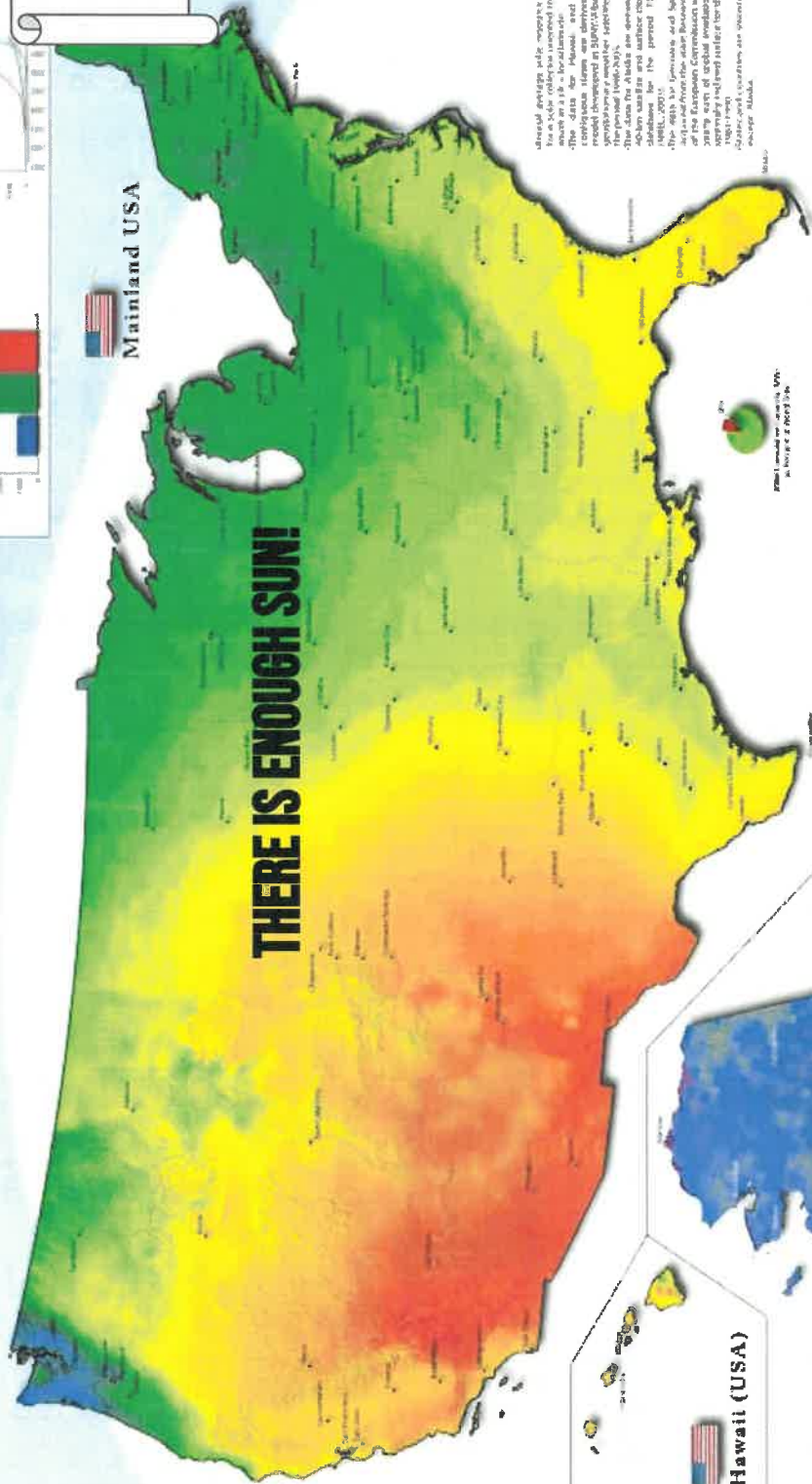
4 Each subscriber's utility bill is credited with the electricity created by their share of the solar farm



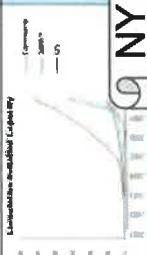
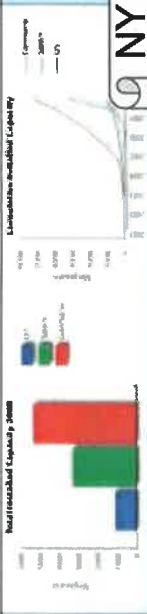
5 Customer receives a solar bill with the 10% discount applied



Photovoltaic Solar Resource The United States of America, Spain and Germany

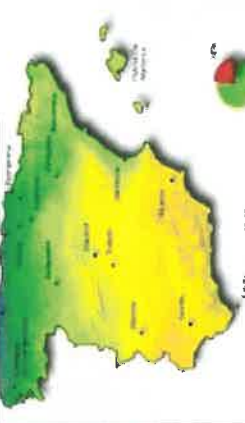
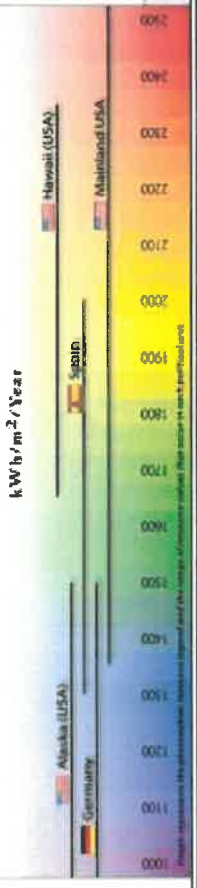


NY has as much sun as Spain & more than Germany!



THERE IS ENOUGH SUN!

Annual average solar resource data are derived from the National Solar Radiation Database (NSRDB) for the United States and the data for Hawaii and the all-weather stations are derived from a combination of ground-based observations and satellite-based data for the period 1981-1999. The data for Germany are derived from the European Commission and the data for Spain are derived from the Spanish National Institute of Statistics. The data for Hawaii are derived from the Hawaiian Islands Weather Service. The data for Alaska are derived from the Alaska Department of Natural Resources. The data for the United States are derived from the National Solar Radiation Database (NSRDB) for the period 1981-1999. The data for Germany are derived from the European Commission and the data for Spain are derived from the Spanish National Institute of Statistics. The data for Hawaii are derived from the Hawaiian Islands Weather Service. The data for Alaska are derived from the Alaska Department of Natural Resources. The data for the United States are derived from the National Solar Radiation Database (NSRDB) for the period 1981-1999.



What Community Solar Really Is

Community Solar IS:	Community Solar IS NOT:
Clean energy from local solar farms	Panels installed on your roof or property
Available to homeowners and renters	An electricity retailer or third-party electric supply company (ESCO)
Guaranteed savings on your utility bill	A multi-level marketing company
Free to enroll and cancel	High up-front costs
Easy to sign-up for	Ongoing maintenance costs





WHO'S INVOLVED

01	State & Public Service Commission	<ul style="list-style-type: none">• Pass legislation• Administer programs• Consumer advocacy
02	Public Utilities	<ul style="list-style-type: none">• Offtaker for renewable energy• Pass through PSC programs to the ratepayers
03	Solar Developers	<ul style="list-style-type: none">• Acquire land and negotiate land leases• Permitting and construction of solar farms• May keep or sell the project to an asset owner
04	CMA Providers	<ul style="list-style-type: none">• Community outreach and customer acquisition• Customer billing• Customer support
05	Asset Owners	<ul style="list-style-type: none">• Own the solar farm over the life of the project• Responsible for the operations and maintenance• Financially invested
06	Local Towns and Municipalities	<ul style="list-style-type: none">• Tax benefits• Job creation• Can count towards Climate Smart goals



Quick Facts



Community solar arrays are often built on unused, undesirable parts of farms. They are also built on landfills and brownfields

The next five years will see the U.S. community solar market add as much as 3.4 gigawatts. 3.4 GW will be able to power roughly 650,000 homes.

Each MW will serve approximately 150 subscribers

Solar panels are 95% recyclable and are guaranteed for 25 years

Solar Farms are 3-10 MW in size

Enrollment Information

To enroll with a supplier or change to another supplier, you will need the following information about your account:

Account Number: 0070-0366 Cycle: 1, 172
 Location: Capital

Electric Usage History

Month	kWh	Month	kWh
Jun 19	15	Jan 20	2120
Jul 19	60	Feb 20	1300
Aug 19	50	Mar 20	2256
Sep 19	263	Apr 20	1515
Oct 19	119	May 20	1466
Nov 19	795		
Dec 19	1616		

Choosing an Energy Supplier: You can choose who supplies your energy. We make it easy to compare your energy needs with what energy supplier you choose. Member (M) will continue to deliver energy to you safely, efficiently and reliably. We will also continue to provide your customer service, including emergency response and storm restoration. National Grid is dedicated to creating an open energy market that lets you choose from a variety of competitive energy suppliers, who may offer different pricing options. For information on authorized energy suppliers and how to choose, please visit us online at light.com/na/energychoices.

Notes About Electronic Check Cancellation

By sending your complete, signed check to us, you authorize us to use the account information from your check to make an electronic fund transfer from your account for the same amount as the check. If the electronic fund transfer cannot be processed by account means, you authorize us to process the copy of your check.

DETAIL OF CURRENT CHARGES

Delivery Services

Service/Rate	Qty of Units	Current Reading	Previous Reading	Usage (kWh)
Apr 2 - May 4	32	11838	10382	1456 kWh
WEATHER NUMBER: 25180320				
NOTE: Electric SC1 Non Heat				

Accumulated kWh	-4829 kWh	
Transfer kWh from Heat	0 kWh	
Current Bill Period kWh	1456 kWh	
Carryover kWh	-3173 kWh	
Net Metering Adjustment Factor	0.11480002	
Basic Service (not including usage)	17.00	
Delivery	0.05611737 x 1456 kWh	0.8171
Community Net Metering Adjustment		
SBC	0.005401 x 1456 kWh	0.79
Legacy Transition Chrg	0.000005 x 1456 kWh	0.07
RCM	0.00012068 x 1456 kWh	0.17
Transmission (Per Ad)	0.000029 x 1456 kWh	0.42
Tariff Surcharge	2.04000 %	0.34
Total Delivery Services		\$ 17.34

Supply Services

SUPPLIER: National Grid

Electricity Supply	0.03549 x 1456 kWh	51.67
Community Net Metering Adjustment		-77.08
Merchant Function	0.0019417 x 1456 kWh	2.83
ESPM	0.015512 x 1456 kWh	22.56
Total Supply Services		\$ 0.00

Other Charges/Adjustments

Paperless Billing Credit		-0.41
Total Other Charges/Adjustments		-\$ 0.41

► For Your Information

The following charges are already included in the 'Delivery Services' portion of your bill. If you were to choose an alternate supplier, billing charges may be included, instead, in that supplier's charges.

Billing Services		0.96
Total Billing Services		\$ 0.96

State Department of Public Service

Gas and Air Emission
 (b) Your Electricity

Period Shown:
 18 - December 31, 2019

ONAL GRID

Source	Percentage
Coal	41%
Gas	3%
Nuclear	18%
Hydro	33%
Renewables	34%
Other	<1%
Wind	<1%
Solar	<1%
Geothermal	2%
Biomass	2%
Total	100%

Energy supply from state to customer

Percentages Relative to
 New York State Average
 \$ Average

SOLAR ELECTRICITY CHARGES



Astral Power Inc
 244 Fifth Avenue, Suite 1237
 New York, NY 10001

Bill To:
 Customer Name
 Customer Billing Address

INVOICE

Invoice Number

Your Utility Account Number

1234567

Account #:

Date

May 31, 2020

Payment Terms

AutoPay

Balance Due: \$154.66

Your Utility Account Number

Item	Quantity	Rate	Amount
Community Solar Bill Credits Account #1234567 Bill Date 05/31/2020 Period end date on your utility bill This is also your meter read date.	1	\$167.00	\$167.00
10% Discount Community Solar Discount	1	-\$16.70	-\$16.70
2.9% Credit Card Processing Fee Use ACH to Avoid Fees	1	\$4.36	\$4.36
Amount spent by going solar			\$154.66

Total:

\$154.66

How To Enroll A Customer

ASTRAL POWER

LET'S GET STARTED

RESIDENTIAL AND SMALL BUSINESS TERMS

- 10% SAVINGS
- 1 YEAR TERM
- NO UPFRONT FEES
- NO CANCELLATION FEES

Learn more about our business and residential options. [Learn More](#)

ASTRAL POWER

PLEASE FILL IN YOUR CONTACT INFORMATION

YOUR INFO UTILITY PAYMENT AGREEMENT

First Name:

Last Name:

Address:

City:

State:

Zip:

Phone:

Email:

Account Number:

Account Name:

Account Type:

Account Address:

Account City:

Account State:

Account Zip:

Account Phone:

Account Email:

Account Name:

Account Address:

Account City:

Account State:

Account Zip:

Account Phone:

Account Email:

[PREVIOUS](#) [NEXT](#)

ASTRAL POWER

UTILITY PAYMENT AGREEMENT

YOUR INFO UTILITY PAYMENT AGREEMENT

Utility:

Account Number:

Account Name:

Account Address:

Account City:

Account State:

Account Zip:

Account Phone:

Account Email:

Account Name:

Account Address:

Account City:

Account State:

Account Zip:

Account Phone:

Account Email:

[PREVIOUS](#) [NEXT](#)

ASTRAL POWER

National Grid Only

SELECT YOUR PAYMENT OPTION

YOUR INFO UTILITY PAYMENT AGREEMENT

Account Number:

Account Name:

Account Address:

Account City:

Account State:

Account Zip:

Account Phone:

Account Email:

Account Name:

Account Address:

Account City:

Account State:

Account Zip:

Account Phone:

Account Email:

[PREVIOUS](#) [NEXT](#)

ASTRAL POWER

REVIEW AGREEMENT

YOUR INFO UTILITY PAYMENT AGREEMENT

Account Number:

Account Name:

Account Address:

Account City:

Account State:

Account Zip:

Account Phone:

Account Email:

Account Name:

Account Address:

Account City:

Account State:

Account Zip:

Account Phone:

Account Email:

[PREVIOUS](#) [NEXT](#)

QUESTIONS?

Addendum B

Community Solar

Jill Henck, Clean Energy Coordinator
Capital District Regional Planning Commission



Introduction

- 49% of households unable to host PV Systems because of structural, shading, or ownership issues
- Solar developers vs. community solar companies
- Subscription model allows you to pay as you go, no up front costs, and most community solar companies offer a 10% reduction in electric bill
- Households sign up on an individual basis
- State incentives available to NL through completing a Community Solar Campaign
- State incentives available for subscribing NL municipal buildings to community solar through Clean Energy Upgrades



Appendix B

The 10 High-Impact Actions

- 1) **Benchmarking**
- 2) **Clean Energy Upgrades** ←
- 3) **LED Street Lights**
- 4) **Clean Fleets**
- 5) **Community Campaigns** ←
- 6) **Unified Solar Permit**
- 7) **Energy Code Enforcement Training**
- 8) **Climate Smart Communities Certification**
- 9) **Community Choice Aggregation**
- 10) **Energize NY Finance**



CAPITAL DISTRICT
Regional
Planning
Commission



NYSERDA
Supporting



Solarize



SOLARIZE
SCHENECTADY COUNTY



Adopt language supporting the campaign, scoping document preapproval, vet and choose installer(s), execute marketing, submit customer list and completed scoping document

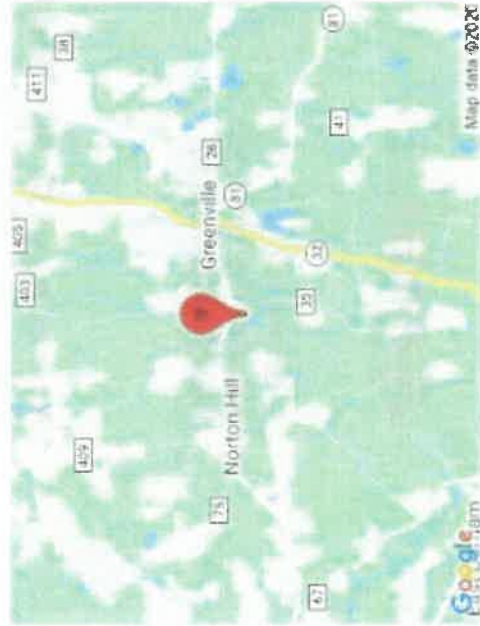




Hi jillfalchi@gmail.com [Log out](#)

Westerlo A

[Home](#) [Westerlo A](#)



Location

77 County RTE 405, Westerlo, NY, 12083

Interconnection Date

01/16/20

Rated DC Capacity

2,585kW (1 panels)

Your Allocation

8,014 kW (0.31%)

Number of Co-Subscribers

59 (av. 37,228 kW/owner)





Jillian Henck
126 Goodfellow Road
Westerlo, NY 12193

Invoices: 2020090000074970 Date: September 1, 2020

ACCOUNT SUMMARY

Previous Balance	\$0.00
New Charges	\$118.39
Current Balance	\$118.39
This Month's Savings	\$13.15

For questions [email us](#), or [login to your account](#)

New Charges By Site And Service Address

Production Site: Westerlo A Production Period: 06/09/2020 - 07/08/2020

Service Address	Utility Account	Description	Amount
126 Goodfellow Road	****86009002	1,056 kWh and \$131.54 bill credits allocated @ 10% discount	\$118.39
		Subtotal	\$118.39

Total New Charges \$118.39



Payments

Bills

All

Date	Type	Details	Status	Amount	Balance
10/08/2020	Credit	COMMUNITY DISTRIB GENERATION CREDIT	Applied	-\$104.32	-\$27.29
10/01/2020	Bill	BILL ISSUED / CHARGES		\$146.06	\$77.03
09/09/2020	Credit	COMMUNITY DISTRIB GENERATION CREDIT	Applied	-\$132.35	-\$69.03
09/01/2020	Bill	BILL ISSUED / CHARGES		\$141.64	\$63.32
08/11/2020	Credit	COMMUNITY DISTRIB GENERATION CREDIT	Applied	-\$131.54	-\$78.32
08/03/2020	Bill	BILL ISSUED / CHARGES		\$131.54	\$53.22
07/13/2020	Credit	COMMUNITY DISTRIB GENERATION CREDIT	Applied	-\$78.32	-\$78.32
07/06/2020	Payment	MYACCOUNT PAYMENT	Applied	-\$112.44	\$0.00
07/02/2020	Bill	BILL ISSUED / CHARGES		\$78.32	\$112.44
06/11/2020	Credit	COMMUNITY DISTRIB GENERATION CREDIT	Applied	-\$117.37	\$34.12
06/03/2020	Bill	BILL ISSUED / CHARGES		\$151.49	\$151.49



Recent Invoices

Invoice Date	Invoice Number	Amount	Status	View
10/01/2020	2020100000080079	\$ 119.12	unpaid	
09/01/2020	2020090000074970	\$ 118.39	paid	
08/01/2020	2020080000067713	\$ 70.49	paid	
07/01/2020	2020070000065454	\$ 105.63	paid	
06/01/2020	2020060000061574	\$ 37.47	paid	

[See all Invoices](#)



Clean Energy Upgrades



City of Schenectady CHP Project



Town of Niskayuna Solar Installation



City of Watervliet Solar Installation

Achieve a 10 percent reduction in GHG emissions from municipal buildings through energy efficiency upgrades and renewable energy.



Thank you!

Jill Henck
Clean Energy Coordinator
Capital District Regional Planning Commission
Phone: (518) 453 – 0850
Email: Jill.Henck@cdrpc.org



Addendum C

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

Local Law No. 2 of the year 2020

**A LOCAL LAW TO UPDATE AND AMEND CHAPTER 81 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.)

3 mubnrsbbA

TOWN OF NEW LEBANON

LOCAL LAW NO. 2 OF THE YEAR 2020

A LOCAL LAW TO UPDATE AND AMEND CHAPTER 81 OF THE CODE OF THE TOWN OF NEW LEBANON.

SECTION 1

This local law shall be referred to as “A Local Law to Update and Amend Chapter 81 of the Code of the Town of New Lebanon”.

SECTION 2

Chapter 81 of the Code of the Town of New Lebanon, entitled “Building Code Administration”, is hereby amended as follows:

A. Paragraph B of Section 81-4, entitled “Building permits”, is hereby amended to read in its entirety as follows:

B. Exemptions. No building permit shall be required for work in any of the following categories:

- (1) Construction or installation of one-story detached structures associated with one- or two-family dwellings or multiple single-family dwellings (townhouses) which are used for tool and storage sheds, playhouses or similar uses, provided the gross floor area does not exceed 144 square feet (13.38 square meters);
- (2) Installation of swings and other playground equipment associated with a one- or two-family dwelling or multiple single-family dwellings (townhouses);
- (3) Installation of swimming pools associated with a one- or two-family dwelling or multiple single-family dwellings (townhouses) where such pools are designed for a water depth of less than 24 inches and are installed entirely above ground;
- (4) Installation of fences which are not part of an enclosure surrounding a swimming pool;

- (5) Construction of retaining walls, unless such walls support a surcharge or impound Class I, II or IIIA liquids;
- (6) Construction of temporary motion-picture, television and theater stage sets and scenery;
- (7) Installation of window awnings supported by an exterior wall of a one- or two-family dwelling or multiple single-family dwellings (townhouses);
- (8) Installation of partitions or movable cases less than five feet nine inches in height;
- (9) Painting, wallpapering, tiling, carpeting, or other similar finish work;
- (10) Installation of listed portable electrical, plumbing, heating, ventilation or cooling equipment or appliances;
- (11) Replacement of any equipment, provided the replacement does not alter the equipment's listing or render it inconsistent with the equipment's original specifications; or
- (12) Repairs, provided that such repairs do not involve:
 - (a) The removal or cutting away of a load-bearing wall, partition, or portion thereof, or of any structural beam or load-bearing component;
 - (b) The removal or change of any required means of egress; or the rearrangement of parts of a structure in a manner which affects egress;
 - (c) The enlargement, alteration, replacement or relocation of any building system; or
 - (d) The removal from service of all or part of a fire protection system for any period of time.

B. Paragraph C of Section 81-6, entitled "Stop-work orders", is hereby amended to read in its entirety as follows:

- C. Service of stop-work orders. The Code Enforcement Officer shall cause the stop-work order, or a copy thereof, to be served on the owner of the affected property (and, if the owner is not the permit holder, on the permit holder) personally or by certified mail. Where service is made by certified mail, service shall be deemed effective three days after mailing, without regard

to whether the intended recipient accepts delivery. The Code Enforcement Officer shall be permitted, but not required, to cause the stop-work order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other person taking part or assisting in work affected by the stop-work order, personally or by certified mail; provided, however, that failure to serve any person mentioned in this sentence shall not affect the efficacy of the stop-work order.

C. Section 81-10, entitled "Operating permits", is hereby amended to read in its entirety as follows:

A. Operating permits required.

- (1) Operating permits shall be required for conducting the activities or using any type of building or structure listed below:
 - (a) Manufacturing, storing or handling hazardous materials in quantities exceeding those listed in Table 5003.1.1(1), 5003.1.1(2), 5003.1.1(3) or 5003.1.1(4) in the publication entitled "Fire Code of New York State" and incorporated by reference in 19 NYCRR 1225.1;
 - (b) Hazardous processes and activities, including but not limited to commercial and industrial operations which produce combustible dust as a byproduct, fruit and crop ripening, and waste handling;
 - (c) Use of pyrotechnic devices in assembly occupancies;
 - (d) Buildings containing one or more areas of public assembly with an occupant load of 100 persons or more;
 - (e) Parking garages as defined in section 81-11.1 of this Chapter; and
 - (f) Buildings whose use or occupancy classification may pose a substantial potential hazard to public safety, as determined by resolution adopted by the Town Board of this Town.
- (2) Any person who proposes to undertake any activity or to operate any type of building listed in this Subsection A shall be required to obtain an operating permit prior to commencing such activity or operation.

B. Applications for operating permits. An application for an operating permit shall be in writing on a form provided by or otherwise acceptable to the Code Enforcement Officer. Such application shall include such information

as the Code Enforcement Officer deems sufficient to permit a determination by the Code Enforcement Officer that quantities, materials, and activities conform to the requirements of the Uniform Code. If the Code Enforcement Officer determines that tests or reports are necessary to verify conformance, such tests or reports shall be performed or provided by such person or persons as may be designated by or otherwise acceptable to the Code Enforcement Officer, at the expense of the applicant.

- C. Inspections. The Code Enforcement Officer or an inspector authorized by the Code Enforcement Officer shall inspect the subject premises prior to the issuance of an operating permit.
- D. Multiple activities. In any circumstance in which more than one activity listed in Subsection A of this section is to be conducted at a location, the Code Enforcement Officer may require a separate operating permit for each such activity, or the Code Enforcement Officer may, in his or her discretion, issue a single operating permit to apply to all such activities.
- E. Duration of operating permits. Operating permits may remain in effect until reissued, renewed, revoked or suspended, or, in the discretion of the Code Enforcement Officer, may be issued for a specified period of time consistent with local conditions.
- F. Revocation or suspension of operating permits. If the Code Enforcement Officer determines that any activity or building for which an operating permit was issued does not comply with any applicable provision of the Uniform Code, such operating permit shall be revoked or suspended.
- G. Fee. The fee specified in or determined in accordance with the provisions set forth in § 81-16, Fees, of this chapter must be paid at the time of submission of an application for an operating permit, for an amended operating permit, or for reissue or renewal of an operating permit.

D. A new section, Section 81-11.1, entitled “Condition assessment of parking garages”, is hereby added to read in its entirety as follows:

- A. Purpose. The purpose of this section is to provide for condition assessments of parking garages as required by state regulations governing minimum features of local municipal programs for administration and enforcement of the Uniform Code.
- B. Definitions. For purposes of this section only:
 - (1) The term “condition assessment” means an on-site inspection and evaluation of a parking garage for evidence of deterioration of any

structural element or building component of such parking garage, evidence of the existence of any unsafe condition in such parking garage, and evidence indicating that such parking garage is an unsafe structure.

- (2) The term “deterioration” means the weakening, disintegration, corrosion, rust, or decay of any structural element or building component, or any other loss of effectiveness of a structural element or building component.
 - (3) The term “parking garage” means any building or structure, or part thereof, in which all or any part of any structural level or levels is used for parking or storage of motor vehicles, excluding:
 - (a) Buildings in which the only level used for parking or storage of motor vehicles is on grade;
 - (b) An attached or accessory structure providing parking exclusively for a detached one- or two-family dwelling; and
 - (c) A townhouse unit with attached parking exclusively for such unit;
 - (4) The term “professional engineer” means an individual who is licensed or otherwise authorized under Article 145 of the Education Law of the State of New York to practice the profession of engineering in the State of New York and who has at least three years of experience performing structural evaluations.
 - (5) The term “responsible professional engineer” means the professional engineer who performs a condition assessment, or under whose supervision a condition assessment is performed, and who seals and signs the condition assessment report. The use of such term in this section shall not be construed as limiting the professional responsibility or liability of any professional engineer, or of any other licensed professional, who participates in the preparation of a condition assessment without being the responsible professional engineer for such condition assessment.
 - (6) The term “unsafe structure” means a structure that is so damaged, decayed, dilapidated, or structurally unsafe, or is of such faulty construction or unstable foundation, that partial or complete collapse is possible.
- C. Condition Assessments – General Requirements. The owner or operator of each parking garage shall cause such parking garage to undergo an initial condition assessment as described in paragraph (D) of this section, periodic

condition assessments as described in paragraph (E) of this section, and such additional condition assessments as may be required under paragraph (F) of this section. Each condition assessment shall be conducted by or under the direct supervision of a professional engineer. A written report of each condition assessment shall be prepared, and provided to the authority having jurisdiction, in accordance with the requirements of paragraph (G) of this section. Before performing a condition assessment (other than the initial condition assessment) of a parking garage, the responsible professional engineer for such condition assessment shall review all available previous condition assessment reports for such parking garage.

D. Initial Condition Assessment. Each parking garage shall undergo an initial condition assessment as follows:

- (1) New parking garages shall undergo an initial condition assessment following construction and prior to a certificate of occupancy or certificate of compliance being issued for the structure,
- (2) Existing parking garages shall undergo an initial condition assessment as follows:
 - (a) if originally constructed prior to January 1, 1984, then prior to October 1, 2019;
 - (b) if originally constructed between January 1, 1984 and December 31, 2002, then prior to October 1, 2020; and
 - (c) if originally constructed between January 1, 2003 and the effective date of the rule adding this subdivision to 19 NYCRR section 1203.3, then prior to October 1, 2021.

E. Periodic Condition Assessments. Following the initial condition assessment of a parking garage, such parking garage shall undergo periodic condition assessments at intervals not to exceed three years.

F. Additional condition assessments.

- (1) If the latest condition assessment report for a parking garage includes a recommendation by the responsible professional engineer that an additional condition assessment of such parking garage, or any portion of such parking garage, be performed before the date by which the next periodic condition assessment would be required under paragraph (E) of this section, the owner or operator of such parking garage shall cause such parking garage (or, if applicable, the portion of such parking garage identified by the responsible professional engineer) to undergo an

additional condition assessment no later than the date recommended in such condition assessment report.

- (2) If the Code Enforcement Officer becomes aware of any new or increased deterioration which, in the judgment of the Code Enforcement Officer, indicates that an additional condition assessment of the entire parking garage, or of the portion of the parking garage affected by such new or increased deterioration, should be performed before the date by which the next periodic condition assessment would be required under paragraph (E) of this section, the Code Enforcement Officer shall require the owner or operator of such parking garage to cause such parking garage (or, if applicable, the portion of the parking garage affected by such new or increased deterioration) to undergo an additional condition assessment no later than the date determined by the Code Enforcement Officer to be appropriate.

G. Condition assessment reports. The responsible professional engineer shall prepare, or directly supervise the preparation of, a written report of each condition assessment, and shall submit such condition assessment report to the Code Enforcement Officer within such time period as fixed under this section. Such condition assessment report shall be sealed and signed by the responsible professional engineer, and shall include:

- (1) an evaluation and description of the extent of deterioration and conditions that cause deterioration that could result in an unsafe condition or unsafe structure;
- (2) an evaluation and description of the extent of deterioration and conditions that cause deterioration that, in the opinion of the responsible professional engineer, should be remedied immediately to prevent an unsafe condition or unsafe structure;
- (3) an evaluation and description of the unsafe conditions;
- (4) an evaluation and description of the problems associated with the deterioration, conditions that cause deterioration, and unsafe conditions;
- (5) an evaluation and description of the corrective options available, including the recommended timeframe for remedying the deterioration, conditions that cause deterioration, and unsafe conditions;
- (6) an evaluation and description of the risks associated with not addressing the deterioration, conditions that cause deterioration, and unsafe conditions;

- (7) the responsible professional engineer's recommendation regarding preventative maintenance;
 - (8) except in the case of the report of the initial condition assessment, the responsible professional engineer's attestation that he or she reviewed all previously prepared condition assessment reports available for such parking garage, and considered the information in the previously prepared reports while performing the current condition assessment and while preparing the current report; and
 - (9) the responsible professional engineer's recommendation regarding the time within which the next condition assessment of the parking garage or portion thereof should be performed. In making the recommendation regarding the time within which the next condition assessment of the parking garage or portion thereof should be performed, the responsible professional engineer shall consider the parking garage's age, maintenance history, structural condition, construction materials, frequency and intensity of use, location, exposure to the elements, and any other factors deemed relevant by the responsible professional engineer in his or her professional judgment.
- H. The Code Enforcement Officer shall review each condition assessment report. The Code Enforcement Officer shall take such enforcement action or actions in response to the information in such condition assessment report as may be necessary or appropriate to protect the public from the hazards that may result from the conditions described in such report. In particular, but not by way of limitation, the Code Enforcement Officer shall, by Order to Remedy or such other means of enforcement as he or she may deem appropriate, require the owner or operator of the parking garage to repair or otherwise remedy all deterioration, all conditions that cause deterioration, and all unsafe conditions identified in such condition assessment report pursuant to paragraph (G)(2) and (3) of this subdivision. All repairs and remedies shall comply with the applicable provisions of the Uniform Code. Nothing herein shall be deemed to limit or impair the right of the Code Enforcement Officer to take any other enforcement action, including but not limited to suspension or revocation of a parking garage's operating permit, as may be necessary or appropriate in response to the information in a condition assessment report.
- I. All condition assessment reports for the life of each parking garage shall be retained in the office of the Code Enforcement Officer. Upon request by a professional engineer who has been engaged to perform a condition assessment of a parking garage, and who provides a written statement attesting to the fact that he or she has been so engaged, the Code Enforcement Officer shall make the previously prepared condition assessment reports for such parking garage (or copies of such reports)

available to such professional engineer. The Code Enforcement Officer shall be permitted to require the owner or operator of the subject parking garage to pay all costs and expenses associated with making such previously prepared condition assessment reports (or copies thereof) available to the professional engineer.

- J. Nothing in this section shall be construed as limiting or impairing the right or obligation of the Code Enforcement Officer to perform such construction inspections as are otherwise required, to perform such fire safety and property maintenance inspections as are otherwise required, or to take such enforcement action or actions as may be necessary or appropriate to respond to any condition that comes to the attention of the Code Enforcement Officer by means of inspection, observation, complaint, or otherwise.
- K. The owner or operator of any parking garage governed by this section shall be responsible for all costs and fees incurred by the Town related to the reviews and inspections set forth in this section for such parking garage and, upon a determination by the Code Enforcement Officer, shall establish an escrow account with the Town to pay the costs and fees incurred by the Town. The amount of the initial deposit to the escrow account shall be based upon a good faith estimate made by the Code Enforcement Officer of the costs and fees likely to be incurred for the particular matter, and shall be subject to replenishment as deemed necessary or appropriate by the Code Enforcement Officer.
- L. Fee. The fee specified in or determined in accordance with the provisions set forth in § 81-16, Fees, of this chapter must be paid prior to or at the time each condition assessment report is submitted pursuant to this section.

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 D

Town of New Lebanon Personnel Policies

10-13-20

Purpose; Applicability

This description of employee benefits is presented to all Town and highway employees of the Town of New Lebanon (the "Town") for informational purposes only. This description is not intended to be comprehensive or to address all the possible applications of, or exceptions to, the Town's general policies and procedures governing employee benefits. The Town reserves the right to modify, revoke, suspend, or discontinue any of the procedures, practices, policies, and benefits described herein. Moreover, the language used in this description of employee benefits does not confer any contractual right, either expressed or implied, to remain in the Town's employ or guarantee any fixed terms and conditions of employment. Employment with the Town is on a voluntary at-will basis and is not for a specific time, and either the employee or the Town may at any time terminate the employment relationship with or without cause. Finally, some of the benefits described herein are covered in more detail in Town policies and procedures or written insurance policies and/or plan documents. This description of employee benefits is only designed as a brief guide and summary of policies and benefits.

Equal Employment Opportunity Policy

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

Americans With Disabilities Policy Statement

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

D. M. Webb

made the Town aware of his or her disability, provided the accommodation does not constitute an undue hardship to the Town.

Civil Service; Part-Time Employment

Pursuant to the Columbia County Civil Service Commission's Rules, positions within the Town are classified as exempt, noncompetitive, competitive, labor, or unclassified. For purposes of applying civil service rules only, part-time employment is considered employment where an individual works less than 20 hours per week.

Work Schedule

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

Description of Employment

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

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

hours per week on an indefinite, continuing basis. A part-time ineligible employee is not eligible for benefits described herein, unless stated otherwise, or to the extent required by provision of state and federal laws.

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

Probationary Period

Generally, pursuant to the Columbia County Civil Service Commission's Rules, every permanent appointment from an open competitive list and every original appointment to a position in the noncompetitive, exempt, or labor class shall be for a probationary term of 12 weeks. However, a returning employee who has already successfully completed the probationary period is not required to serve another probationary term. The probationary term for promotion shall be 12 weeks. During the probationary period, the employee will have the opportunity to evaluate his or her new position and the employee's supervisor will evaluate the employee's performance and suitability for the position. Successful completion of the probationary period is not intended to create a contract of permanent employment.

Definitions

As used in these policies, the following terms shall have the meanings indicated:

ANNIVERSARY YEAR

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

CALENDAR YEAR

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

Overtime

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

Ethics and Conflicts of Interest

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

Employee Conduct; Discipline and Discharge

Employees are expected to report to work as scheduled and to perform their job responsibilities to the best of their abilities and in a professional manner at all times. Civil Service Law § 75 governs the procedures the Town will

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

Leave Policies

A. Bereavement leave. In the event of a death occurring in the immediate family of any full-time employee, an unpaid leave of absence shall be granted to attend the funeral, for up to two scheduled workdays. For the purposes of this bereavement leave policy, "immediate family" shall mean mother, father, spouse, sister, brother, child, mother-in-law, or father-in-law.

B. Holidays.

(1) The Town recognizes 12 holidays for which most of the Town's business operations will be closed:

New Years Day
Martin Luther King Day
Presidents Day
Memorial Day
Independence Day
Labor Day
Columbus Day
Veterans Day
Election Day
Thanksgiving
Day after Thanksgiving
Christmas

(2) Full-time employees are entitled to the above 12 paid holidays, plus one paid floating holiday, which is to be approved by the employee's supervisor. In the event that a recognized holiday falls on a Saturday, it will be observed on the preceding Friday,

and a recognized holiday that falls on a Sunday will be observed on the following Monday. Part-time eligible employees do not receive paid holidays. Part-time eligible employees may use sick/personal or vacation time for pay for holidays that fall on a normal work day; they will be paid for their normal work hours for that day.

- C. **Military leave.** Employees are entitled to a leave of absence to perform ordered military duty as set forth in New York Military Law. Town employees are entitled to receive their regular pay for a period of such service not exceeding a total of 30 days or 22 working days, whichever is greater, in any calendar year and in any continuous period of absence. Employees who are members of the organized militia or of the U.S. reserves are entitled to a leave of absence for initial full-time training duty or initial active duty for training with the U.S. armed forces. To be reinstated, employees must apply within the first 90 days after discharge. Time spent performing military duty will not be considered an interruption of continuous service.
- D. **Sick and personal time.**
- (1) **Full-time employees:** After completing the probationary period, full-time employees will receive 8 hours of sick and personal leave for every one month of full-time employment. Thereafter, at the start of each calendar year, full-time employees will be credited with 96 hours of sick and personal leave. Unused sick and personal time will accrue to a maximum limit of 288 hours and will be carried over from one calendar year to the next.
 - (2) **Part-time eligible employees:** After completing the probationary period or upon becoming eligible for part-time benefits, part-time eligible employees will receive 4 hours of sick and personal leave for every one month of part-time eligible employment. Thereafter, at the start of each calendar year, part-time eligible employees will be credited with 48 hours of sick and personal leave. Unused sick and personal time will accrue to a maximum limit of 144 hours and will be carried over from one calendar year to the next.
 - (3) **Upon termination of employment,** employees will not receive any compensation for unused sick and personal time.

E. Vacation leave.

- (1) Upon successful completion of the probationary period, full-time employees will become eligible for paid vacation. Full-time employees will receive five workdays of paid vacation after one year of service. After two years of service, full-time employees will be eligible for 10 workdays of paid vacation. Thereafter, full-time employees will receive one additional workday per year of service up to a maximum of 20 paid vacation days per year. Up to five paid vacation days may be rolled over into the next calendar year upon request from the employee and approval by the Town Board, but those vacation days must be utilized by June 30 of that year.
- (2) Upon successful completion of the probationary period or upon becoming eligible for part-time benefits, part-time eligible employees will become eligible for paid vacation. Part-time eligible employees will receive 2.5 workdays of paid vacation after one full year of service or upon obtaining part-time eligible status if they have already fulfilled one full year of service. After two years of service as a part-time eligible employee, they will be eligible for 5 workdays of paid vacation. Thereafter, part-time eligible employees will receive .5 additional workdays per year of service up to a maximum of 10 paid vacation days per year. Vacation time for part-time eligible employees may not be rolled over into the next calendar year.
- (3) Upon leaving Town service, an employee will be compensated for unused vacation time. Employees leaving employment with the Town before June 30 will be eligible for 50% of their earned but unused vacation time. If the departure occurs after July 1 through the end of the year, the employee will be entitled to 100% of the vacation time; however, any employee terminated for cause will be automatically disqualified from receiving any payment for accrued vacation time.

Employee Benefits

A. Health insurance.

- (1) Full-time employees who have worked full-time and completed the probationary period of 12 weeks are eligible to elect coverage for themselves and dependents in the Town's group medical

plan. Full-time employees hired prior to January 1, 2011, are eligible for 100% paid health insurance by the Town; full-time employees hired after January 1, 2011, are eligible for health insurance with 80% paid by the Town and 20% paid by the employee.

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

- (2) Part-time eligible employees who have worked at least 20 hours per week for the probationary period of 12 weeks or who successfully completed the probationary period prior to becoming eligible are eligible to elect coverage for themselves in the Town's group medical plan with 40% of the employee only premium paid by the Town and 60% paid by the employee on a bi-weekly basis as a payroll deduction. Part-time eligible employees may elect coverage for spouses, children or family but part-time eligible employees will pay 100% of the insurances premium(s) over the 40% of employee only premium on a bi-weekly basis as a payroll deduction.
- (3) Paid part-time ineligible employees who have completed the probationary period of 12 weeks are eligible to elect coverage for themselves and dependents in the Town's group medical plan. Part-time ineligible employees will pay 100% of the insurances premium(s) on a bi-weekly basis as a payroll deduction.
- (4) Buy-back option: Full-time employees eligible for health insurance can choose a buy-back option in lieu of health insurance at the following annual rates; with proof of insurance; and upon execution of the signed employee agreement noting their desire to participate in the health insurance buy-out and the details of the buy-back option, including that the buy-back will be included as part of each regular paycheck during the calendar year and that opting in or out of the buy-out will be available on a monthly basis with the amount of buy-back prorated:

Buy-Back Option	Annual Rate
Individual	\$2,500*
Employee plus child(ren)	\$4,100*

Buy-Back Option	Annual Rate
Employee plus spouse	\$4,800*
Family	\$7,000*

NOTES:

*The buy-back will be reduced by 20% for employees required to pay 20% of the insurance premium. The buy-back option is not available for part-time eligible employees.

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



Addendum E

10-13-20

Chapter 40

PROCUREMENT POLICY

§ 40-1. Determination of purchases subject to competitive bidding.

Every prospective purchase of goods and services shall be evaluated to determine the applicability of GML § 103. Every Town officer, board, department head or other personnel with the requisite purchasing authority (purchaser) shall estimate the cumulative amount of the items of supply or equipment needed in a given year. That estimate shall include the canvass of other Town departments and past history to determine the likely yearly value of the commodity to be acquired. The information gathered and conclusions reached shall be documented and kept with the file or other documentation supporting the purchase activity.

§ 40-2. Purchases governed by General Municipal Law § 103.

All contracts for public work and all purchase contracts governed by General Municipal Law § 103 shall comply therewith.

§ 40-3. Purchases not governed by General Municipal Law § 103.

Goods and services which are not governed by General Municipal Law § 103 must be procured in a manner so as to assure the prudent and economical use of public moneys in the best interests of the taxpayers of the Town, to facilitate the acquisition of goods and services of maximum quality at the lowest possible cost under the circumstances, and to guard against favoritism, improvidence, extravagance, fraud, and corruption. To further these objectives, all procurements of goods and services which are not governed by General Municipal Law § 103 shall comply with the applicable portions of this section.

- A. Purchase contracts not governed by General Municipal Law § 103 shall be secured as follows:
- (1) Contracts not governed by General Municipal Law § 103 involving expenditures greater than \$5,000 shall require a written request for proposals (RFP) and written/fax quotes from at least three vendors.
 - (2) Contracts not governed by General Municipal Law § 103 involving expenditures of \$5,000 or less but greater than \$1,000 shall require an oral request for proposals and oral/fax quotes from at least two vendors.
 - (3) Contracts not governed by General Municipal Law § 103 involving expenditures of \$1,000 or less are left to the discretion of the purchaser.

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B. Public works contracts not governed by General Municipal Law § 103 shall be secured as follows:

- (1) Contracts not governed by General Municipal Law § 103 involving expenditures greater than \$10,000 shall require a written request for proposals (RFP) and written/fax quotes from at least three contractors.
- (2) Contracts not governed by General Municipal Law § 103 involving expenditures of \$10,000 or less but greater than \$1,000 shall require a written request for proposals (RFP) and written/fax quotes from at least two contractors.
- (3) Contracts not governed by General Municipal Law § 103 involving expenditures of \$1,000 or less are left to the discretion of the purchaser.

C. Any written RFP required under this section shall describe, as applicable, the desired goods and/or services to be provided, the quantity thereof, and the particulars of delivery. The purchaser shall compile a list of all vendors from whom written/fax/oral quotes have been requested and the written/fax/oral quotes offered. All information gathered in complying with the procedures of this guideline shall be preserved and filed with the documentation supporting the subsequent purchase or public works contract.

§ 40-4. Documenting proposal requests.

A good-faith effort shall be made to obtain the required number of proposals or quotations. If the purchaser is unable to obtain the required number of proposals or quotations, the purchaser shall document the attempt made at obtaining the proposals. In no event shall the inability to obtain the proposals or quotes be a bar to the procurement.

§ 40-5. Awarding contracts to other than lowest responsible bidder.

The purchaser shall prepare a written justification providing reasons why it is in the best interest of the Town and its taxpayers to make an award to other than the low bidder. If a bidder is not deemed responsible, facts supporting that judgment shall also be documented and filed with the record supporting the procurements.

§ 40-5.1. Awarding contracts for best value.

General Municipal Law § 103 provides that purchase contracts, including contracts for service work, but excluding any purchase contracts necessary for the completion of a public works contract pursuant to Article 8 of the Labor Law, may be awarded on the basis of best value. "Best value" means the basis for awarding contracts for services to the bidder which optimizes quality, cost and efficiency, among responsive and responsible bidders. Such basis shall reflect, wherever possible, objective and quantifiable analysis.

Such basis may also identify a quantitative factor for bidders that are small businesses, certified minority- or women-owned business enterprises (as defined in Executive Law § 310) or service-disabled veteran-owned business enterprises (as defined in Executive Law § 369) to be used in evaluation of offers for awarding of contracts for services.

- A. Where the basis for award is the best value offer, documentation in the procurement record shall, where practicable, include a quantification of the application of the criteria to the rating of proposals and the evaluation results, or, where not practicable, such other justification which demonstrates that best value will be achieved.
- B. The determination to award a contract on the basis of best value shall be made by the purchaser. The purchaser shall use a cost benefit analysis or other similar process to demonstrate quantifiable value or savings from nonprice factors that offset the price differential of lower price offers. Nonprice factors may include, but are not limited to, the following:
 - (1) Reliability of a product;
 - (2) Efficiency of operation;
 - (3) Difficulty or ease of maintenance;
 - (4) Useful lifespan;
 - (5) Ability to meet needs regarding timeliness of performance; and/or
 - (6) Experience of a service provider with similar contracts.
- C. The purchaser shall select a formal competitive procurement process in accordance with law and this procurement policy, and document its determination in the procurement record. The process shall include, but is not limited to, a clear statement of need; a description of the required specifications governing performance and related factors; a reasonable process for ensuring a competitive field; a fair and equal opportunity for bidders to submit responsive offers; and a balanced and fair method of award.
- D. The solicitation shall prescribe the minimum specifications or requirements that must be met in order to be considered responsive and shall describe and disclose the general manner in which the evaluation and selection shall be conducted. Where appropriate, the solicitation shall identify the relative importance and/or weight of cost and the overall technical criterion to be considered by the Town Board in its determination of best value.

§ 40-6. Circumstances not requiring solicitation of proposals.

Except as otherwise directed by the Town Board, no solicitation of written proposals or quotations under § 40-3 shall be required under the following circumstances:

- A. Emergencies.
- B. Sole source situations.
- C. Goods purchased from agencies for the blind or severely handicapped.
- D. Goods purchased from correctional facilities.
- E. Goods purchased from another governmental agency, including but not limited to state or county bid.
- F. Goods purchased at an auction.
- G. Goods purchased for \$1,000 or less.
- H. Public works contracts for \$1,000 or less.

§ 40-7. Option to pursue competitive bids.

No portion of this chapter shall be construed as preventing the competitive bidding for purchase contracts or public works contracts in accordance with the terms and procedures set forth therefor in General Municipal Law § 103 where such contracts are otherwise exempt or not subject to such competitive bidding requirements, if so desired by the Town Board.

§ 40-8. Exceptions.

The solicitation of alternative proposals or quotations will not be required in the best interest of the municipality in the following circumstances, where proper qualifications are not necessarily found in the individual or company that offers the lowest price and the nature of these services are such that they do not readily lend themselves to competitive procurement procedures:

- A. Professional services or services requiring special or technical skill, training or expertise. The individual or company must be chosen based on accountability, reliability, responsibility, skill, education and training, judgment, integrity and moral worth.
 - (1) In determining whether a service shall fit into this category, the Town Board shall take into consideration the following guidelines:
 - (a) Whether the services are subject to state licensing or testing requirements.
 - (b) Whether substantial formal education or training is a necessary prerequisite to the performance of the services.
 - (c) Whether the services require a personal relationship between the individual and municipal officials.
 - (2) Professional and technical services shall include but not be limited to the following:

- (a) Service of an attorney.
 - (b) Services of a physician.
 - (c) Technical services of an engineer or architect engaged to prepare plans, maps and estimates.
 - (d) Securing insurance coverage and/or service of an insurance broker.
 - (e) Services of a certified public accountant.
 - (f) Investment management services.
 - (g) Printing services involving extensive writing, editing or artwork.
 - (h) Management of municipally owned property.
 - (i) Computer software or programming services for customized programs or services involved in substantial modification and customizing of prepackaged software.
- B. Emergency purchases pursuant to § 103, Subdivision 4, of the General Municipal Law. Due to the nature of this exception, these goods or services must be purchased immediately, and delay in order to seek alternate proposals may threaten life, health, safety or welfare of the residents. This section does not preclude alternate proposals if time permits.
- C. Purchases of surplus and second-hand goods from any source. If alternate proposals are required, the Town is precluded from purchasing surplus and second-hand goods at auctions or through specific advertised sources where the best prices are usually contained. It is also difficult to try to compare prices of used goods, and a lower price may indicate an older product.
- D. Public works contracts and purchase contracts involving expenditures of \$1,000 or less. The time and documentation required to purchase through this policy may be more costly than the item itself and therefore not be in the best interest of the taxpayer. In addition, it is not likely that such de minimis contracts would be awarded based on favoritism.

§ 40-8.1. Individuals responsible for purchasing and their titles.

The listing with name(s) and title(s) of the individual(s) responsible for purchasing shall be updated biennially by resolution and kept on file in the Office of the Town Clerk.

§ 40-9. Annual review.

This policy shall be reviewed annually by the Town Board at its organizational meeting or as soon thereafter as is reasonably practicable.

Addendum F



Town of New Lebanon

10-13-20

Official: Town Historian

Type: Appointed by Town Supervisor

Term: Annual

Responsibilities & Duties:

1. As defined by New York State Office of State History, "*Duties and Functions of New York State's Local Government Historians*" (Appendix A)
2. As outlined in NYS Education Department Publication "*Number 81: Historical Records and the Local Government Historian*" (Appendix B)
3. All donations will be handled and processed according to the Town of New Lebanon Historic Items Policy using "*Donations of Historic Documents & Items*" and "*Records Deposit Agreement*" forms (Appendix C: Policy with attachments)

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Town of New Lebanon

Donations of Historic Documents & Items

Donor:	
Address:	
Telephone:	Email:
Credits (how items should be referenced, eg. <i>Collection of Tilden bottles from John Brown</i>)	
Description of Item(s):	
I hereby give/donate/bestow to the Town of New Lebanon the property described above to be used and/or disposed of by the town in their unrestricted discretion. I understand that the property described above may be transferred to the appropriate depository with ownership retained by the Town of New Lebanon. For myself and my personal representatives, I waive all present or future rights to said property, its use or dispositions.	
Signature of Donor:	Date:
Signature of Historian:	Date:
Historian's determination of the appropriate repository:	
Has "Records Deposit Agreement" been executed between town and repository? <input type="checkbox"/> Yes <input type="checkbox"/> No	
If "Yes," attach executed copy to this document.	
If "No," explain why it is not needed: _____	

<i>*Town Board authorization required to waive "Records Deposit Agreement" requirement.</i>	
I, _____, Town Clerk for the Town of New Lebanon, hereby certify that the New Lebanon Town Board has approved the waiver of the requirement for a "Records Deposit Agreement" in this instance. Said approval was made at the _____ meeting of the Town Board.	
_____	(date)
Town Clerk's Signature	Date
The original of this document and the "Records Deposit Agreement" are required to be filed with the Town Clerk.	



Duties and Functions of New York State's Local Government Historians

The State Historian provides guidance, direction, and training to the network of Local Government Historians in New York State. New York's Local Government Historians have been preserving, interpreting, and presenting local history since the positions were established by law in 1919. Today, they operate under Section 57.07 of the Arts and Cultural Affairs Law.

The network of Local Government Historians consists of:

- * 5 Borough Historians in Greater New York City
 - * 12 Community Historians (in community districts of the Borough of Manhattan)
 - * 62 County Historians
 - * 62 City Historians
 - * 932 Town Historians
 - * 544 Village Historians
- Total: 1,617 jurisdictions

Duties and Functions of Local Government Historians:

The national History Relevance Campaign (HRC) (www.historyrelevance.com) has several excellent suggestions as to why the study, teaching, protection, and promotion of history is vital to a functioning society. In their document "The Value of History: Seven Ways it is Essential," the HRC suggests the following reasons why history is valuable:

- a. **IDENTITY:** History nurtures personal identity in an intercultural world. History enables people to discover their own place in the stories of their families, communities, and nation. They learn the stories of the many individuals and groups that have come before them and shaped the

world in which they live. There are stories of freedom and equality, injustice and struggle, loss and achievement, and courage and triumph. Through these varied stories, they create systems of personal values that guide their approach to life and relationships with others.

b. **CRITICAL SKILLS:** History teaches critical 21st century skills and independent thinking. The practice of history teaches research, judgment of the accuracy and reliability of sources, validation of facts, awareness of multiple perspectives and biases, analysis of conflicting evidence, sequencing to discern causes, synthesis to present a coherent interpretation, clear and persuasive written and oral communication, and other skills that have been identified as critical to a successful and productive life in the 21st century.

c. **VITAL PLACES TO LIVE AND WORK:** History lays the groundwork for strong, resilient communities. No place really becomes a community until it is wrapped in human memory: family stories, tribal traditions, civic commemorations. No place is a community until it has awareness of its history. Our connections and commitment to one another are strengthened when we share stories and experiences.

d. **ECONOMIC DEVELOPMENT:** History is a catalyst for economic growth. People are drawn to communities that have preserved a strong sense of historical identity and character. Cultural heritage is a demonstrated economic asset and an essential component of any vibrant local economy, providing an infrastructure that attracts talent and enhances business development.

e. **ENGAGED CITIZENS:** History helps people craft better solutions. At the heart of democracy is the practice of individuals coming together to express views and take action. By bringing history into discussions about contemporary issues, we can better understand the origins of and multiple perspectives on the challenges facing our communities and nation. This can clarify misperceptions, reveal complexities, temper volatile viewpoints, open people to new possibilities, and lead to more effective solutions for today's challenges.

f. **LEADERSHIP:** History inspires local and global leaders. History provides leaders with inspiration and role models for meeting the complex challenges that face our communities, nation, and the world. It may be a parent, grandparent or distant ancestor, a local or national hero, or someone famous or someone little known. Their stories reveal how they met the challenges of their day, which can give new leaders the courage and wisdom to confront the challenges of our time.

g. **LEGACY:** History, saved and preserved, is the foundation for future generations. History is crucial to preserving democracy for the future by explaining our shared past. Through the preservation of authentic, meaningful places, documents, artifacts, images, and stories, we leave a foundation upon which future Americans can build. Without the preservation of our histories, future citizens will have no grounding in what it means to be an American.

The work of the Local Government Historian touches on each of these seven points and falls into four broad categories. Where the historian places emphasis will largely be a matter of personal interest and inclination as well as reflect the priorities and interests of the historian's appointing authority.

1. Research and Writing

The first, and primary, responsibility of the Local Government Historian is interpretation of the past. This will involve research and writing on aspects of the history of one's jurisdiction and may include scholarly monographs and articles as well as writing for a more general public audience in magazines and newspapers. On this subject, Dr. Judith M. Wellman has noted: *The best local historians have upheld high standards of gathering and evaluating evidence, making thoughtful and appropriate generalizations, writing well-organized and readable narratives, and sharing their work with others through the most appropriate mediums.*

2. Teaching and Public Presentations

The second category of responsibility for a Local Government Historian involves the interpretation of the history of his or her community through teaching and public presentations. In this regard, the Local Government Historian may teach courses on local and regional history, serve as a resource to local and regional teachers, especially in the fourth, seventh and grade social studies curriculum, serve as a content consultant for historical agency exhibit and public program planners, speak and lecture to community groups, participate in radio talk shows, maintain blogs and other forms of social media, discuss historical precedents and parallels to current issues and otherwise disseminate knowledge of the history of their locality. In addition, the Local Government Historian may also be asked to work directly with students and other individuals interested in the community's past.

3. Historic Preservation

The third category of activity related to the work of Local Government Historians is that of historic preservation. This embraces not only the preservation of the built environment, but also includes the preservation of manuscripts and records that document a community's past as well as the unique objects and artifacts that make up a community's material culture.

The Local Government Historian is both an advocate for historic preservation and a resource to his or her appointing authority on questions related to history and preservation. As such, the Local Government Historian may be asked to prepare cultural resource surveys of areas scheduled for development, to identify historic structures and districts and to prepare nominations to the State and National Register of Historic Places, to develop and manage local historic marker programs, and to answer questions regarding the historic significance of places and properties within their jurisdiction.

In addition, the Local Government Historian promotes and encourages the preservation of historic manuscripts and other records as well as artifacts by recommending appropriate repositories of historical materials, such as local government archives, local public libraries, or historical agency collections.

4. Organization, Advocacy, and Tourism Promotion

The fourth area of activity for Local Government Historians is that of organizer and advocate for their jurisdiction's history. Local Government Historians are often asked by their appointing authorities to support the local Tourism Promotion Agency (TPA). Heritage Tourism is the largest segment of the tourism industry and studies show that heritage tourists spend more time (and more money) on their trips than other tourists. Successfully promoting a location's history

depends on an accurate and engaging presentation. Successful efforts continue to have an important positive effect on local and regional economies.

Local Government Historians are often asked to organize and direct the commemoration of historical anniversaries and to participate in other civic observations. Again, providing historical accuracy in an engaging way is important with regards to these events.

The Local Government Historian may be also asked to act as a fund raiser or grant writer to provide resources for historical programs or to use their knowledge of local government to lobby for or introduce legislative initiatives to promote community history. A Local Government Historian should be knowledgeable about where and how to access grant funding as well understand their local, regional, and state governmental structure and political leaders.

County Historians

Organizational abilities are especially important to County Historians who have the added responsibility of providing guidance and support to the municipal historians in their counties and of serving as a conduit of information between the State Historian in Albany and the local historians in their counties. The Local Historian Law reads:

It shall be the duty of the county historian to supervise the activities of the local historians in towns and villages within the county in performing the historical work recommended by the state historian...

County historians hold regular meeting for the local historians in their counties, sponsor in-service training sessions, monitor vacant jurisdictions, propose and carry out co-operative joint projects, and assist the work of their local historians wherever possible.

Public Access

The Local Government Historian is the officer of local government charged with responsibility for matters relating to a community's past. As a public officer access is important and, as such, a regular schedule of business hours that are publicly available is necessary. Ideally, every Local Government Historian would be provided with office space in the offices of their jurisdiction. However, this is sometimes not the case and Local Government Historians are required to maintain offices in public libraries or on the premises of chartered historical agencies. Due to the necessity of public access, Local Government Historians should not conduct business from their home. At a very minimum, Local Government Historians should be provided with an official mailing address at the village, town, or city hall or county office building where they can be contacted and should also have access to an email account.

Annual Reports

Local Government Historians are mandated by §57.09 of the Arts and Cultural Affairs Law to report annually to their appointing authority and to the State Historian. The State Historian is currently reviewing the reporting process and gathering information to streamline it and make reporting available online through the Office of State History website.

A Local Government Historian is Not:

1. The Local Government Historian is not an antiquarian. The Local Government Historian should not just collect "facts" about their community without attempting to put this data into a larger historical framework. Nor should Local Government Historians seek to assemble collections. Collections of artifacts or documents should be referred to an appropriate repository, i.e. a museum, library or historical agency, equipped to catalogue, preserve and interpret such materials. Historians should especially eschew time consuming activities like assembling scrapbooks of newspaper clippings. Clippings of newsprint will only survive for a few years and microfilm copies of newspapers are already preserved in several depositories in the state.

2. The Local Government Historian is not an archivist. Local Government Historians have long had to cope with the ambiguous wording of the Local Historians Law relating to archival responsibilities. Local Government Historians must keep in mind the distinction between records collection, preservation, and management, which is the responsibility of the Records Management Officer (most often the village, town, city or county Clerk), and the historian's role as supporter and, most importantly, researcher and user of archival records. This ambiguity was clarified somewhat in 1988 with the passage of the Local Government Records Law, which reads in part:

Each local government historian shall promote the establishment and improvement of programs for the management and preservation of local government records with enduring value for historical or other research; encourage the collection and preservation of non-governmental historical records by libraries, historical societies, and other repositories; and carry out and actively encourage research in such records in order to add to the knowledge, understanding, and appreciation of the community's history.

3. The Local Government Historian is not a genealogist. Local Government Historians receive numerous requests for genealogical research and information. The Local Government Historian must, therefore, clearly understand the distinction between genealogy (the narrow pursuit of an individual's lineage), and family or community history (the use of individual lives to illuminate historical situations). Historians in the course of their work may assemble valuable data on early residents of their community and may share portions of that data, if available, in response to genealogical requests. However, they are not authorized to conduct genealogical research on demand. Local historians have often found it expedient to keep on file a list of contract genealogists who may be contacted to provide such services.

4. The Local Government Historian is not part of an historical agency staff. Many local historians are active members of their local historical society. However, the office of Local Government Historian is a demanding one. It should not be diluted by the appointment of one individual to be local historian and, at the same time, director of an historical agency. Moreover, a strong potential for conflict of interest exists in this practice. The director of an historical agency is primarily responsible to a board of trustees for the direction of a private membership organization. The local historian is a public officer obliged under the Public Officer's Law to provide equal service to all the citizens of his or her jurisdiction. However, it may be possible for a local government historian to serve on a local historical agency's board, though not as President.

5. The Local Government Historian is not a partisan political functionary. Although the Local Government Historian is sometimes a political appointment, he or she must be unbiased in their historical writing and public presentations. The Local Government Historian must adhere to professional standards in striving to produce objective and unbiased history. While it is not inappropriate for the Local Government Historian to write an institutional history of his or her local government, it is inappropriate to write a "puff piece" or apologia for an administration or political party, or to ignore the history of other groups. Furthermore, political campaigning, fund raising, or writing campaign literature is not part of the Local Government Historian's official duties.

Conclusion

The 1,617 local government historians in New York State constitute the largest and most impressive network of Local Government Historians in the country. Such a network offers the potential for an organized and professional community of historians across the entire state utilizing best practices and modern technology to conduct their work. Municipalities should fully understand the role and duties of Local Government Historians to help inform decision makers as they appoint and support local historians in their legislatively mandated work.

Contact:

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Cultural Education Center #3023
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Historical Records and the Local Government Historian

by

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Government Records Services
Albany, New York 12230
<http://www.archives.nysed.gov>

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Introduction

New York's officially appointed public historians play an important role in preserving and interpreting the history of their communities. This publication suggests ways that such historians can use their specialized knowledge and interests to encourage and support records management and historical records programs that are adequate to the needs of local governments and their constituents. Local public historians can be advocates for the greater and broader use of both governmental and non-governmental historical records, for the preservation of a community's local character, for addressing community needs, and for planning for a community's future. While no public historian may have the time or resources to be involved with all the areas suggested in this publication, it may be possible to work on relevant projects selected from each of the major areas discussed.

Historical records, also called archival records, are records that should be kept permanently because of their long-term usefulness for historical or other researchers. For purposes of this publication, the term **governmental historical records** is used to designate records created, filed, or used by local governments in the course of their business that are worthy of preservation and special care. These records may have continuing importance because the information they contain is useful for administrative purposes or for historical or other research. Such records may include, but are not limited to, land records, minutes of governing bodies, tax records, subdivision maps, photographs, building permits, and records of capital construction, regardless of whether they are on paper, film, magnetic tape, or any other medium.

Non-governmental historical records, for the purposes of this publication, are records produced by private individuals, groups, or institutions that contain significant information about the past and are therefore worthy of long-term preservation and systematic management for historical and other research. They can include diaries, letters, journals, ledgers, minutes, photographs, maps, drawings, blueprints, deeds, contracts, memoranda, and other material, and they may exist on paper, parchment, magnetic tape, film, or any other medium.

In short, the State Archives defines governmental historical records as those created by and belonging to some type of government, while non-governmental historical records originate with, and are kept by, private individuals, organizations, and institutions.

Public historians' responsibilities were defined under laws passed in 1919 and 1933 which are now in part outdated. Local government public historians' prerogatives and responsibilities relating to both governmental and non-governmental historical records remain somewhat unclear. Local government public historians are not meant to be collectors, curators, or archivists, although some historians oversee collections that accumulated in the absence of other repositories and that have grown as a result of the performance of official duties.

The Local Government Records (LGR) Law (Section 57.07(1) of the Arts and Cultural Affairs Laws as amended by Ch. 737, Laws of 1987) effective August 5, 1988, updated the "Historians' Law" and partially clarified historians' records-related responsibilities. Section 1 reads as follows:

Each local government historian shall promote the establishment and improvement of programs for the management and preservation of local government records with enduring value for historical or other research; encourage the coordinated collection and preservation of nongovernmental historical records by libraries, historical societies, and other repositories; and carry out and actively encourage research in such records in order to add to the knowledge, understanding, and appreciation of the community's history.

The LGR Law was developed in consultation with many local government associations, including the former Association of Municipal Historians and the County Historians Association. This law establishes a Local Government Records Advisory Council of twenty-seven members to advise on implementation of the law and on related state oversight and services. Local government public historians are included in the council's membership. Under the LGR Law, local government historians have three areas of responsibility: programs, records, and research.

Programs

I. Each local government historian shall promote the establishment and improvement of programs for the management and preservation of local government records with enduring value for historical or other research.

The LGR Law not only modified the duties of public historians, but also included provisions relating to records management in local governments and specified the responsibility of the Commissioner of

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Education to provide records management advice and assistance to local governments (exclusive of the municipal agencies of the City of New York). The law requires local governing bodies and chief executives to “promote and support a program for the orderly and efficient management of records, including the identification and appropriate administration of records with enduring value for historical or other research.”

Just as each general-purpose local government (county, municipality) must appoint a public historian, so must each local government appoint a Records Management Officer (RMO) to “coordinate the development of and oversee” its records management program. The law specifies that each locality’s town or village clerk shall be the RMO and that a fire district’s secretary shall be the RMO in a fire district. Other local governments—counties, school districts, public benefit corporations, special authorities, BOCES, and miscellaneous units of local government—must appoint an RMO, but the designation is a local choice, subject to the usual process for official appointments. In a number of counties, county historians are the RMO or work closely with or for the RMO.

The State Archives strongly recommends that each local government pass an ordinance or other enactment that establishes a records management program. The State Archives also encourages the creation of a records advisory board, which includes the public historian, that works with the RMO to produce records management plans, policies, and procedures, including those related to archival records.

A local government records management program is an ongoing administrative necessity, comparable to highway maintenance, central purchasing, civil service, or taxation. Records management usually includes the survey and inventory of records, development of filing systems, coordination of micrographics, establishment of appropriate inactive records storage, systematic destruction of obsolete records, analysis and planning for information systems, and deployment of modern information technology, as well as the identification, maintenance and use of records.

It is sometimes hard to remember, when faced with the archival riches of a local government, that these documents were not created for eventual use by historians. Rather, these records were created in the most prosaic way for the most mundane reasons. Local government archival records—those with enduring legal, fiscal, administrative, or historical research value—accumulated from the routine of government, and have as their main reason for permanent retention their ongoing utility. Local government archival records should always be an integral part of a comprehensive records management program,

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serving the overall informational needs of the government and citizens. These records contain information needed to document property rights, maintain infrastructure, establish precedents, and serve as a basis for comprehensive planning. They define the responsibilities and the prerogatives of government, protect the rights and property of citizens, help the government defend itself in court or bring suit, assist the government in preparing environmental impact statements, and support the government's qualifications for federal community development money. Use of such archival records for historical research is important, but it is generally a secondary use in a local government setting.

Public historians can support the development and operation of a local government's records management program, including its archival component, in several ways:

- Consult with the local government's RMO, chief elected official, and other appropriate officers to ensure the development and adoption of a local law or ordinance that establishes a records management program that includes an archival component.
- Serve on the records advisory board established as part of the records management program, giving particular attention to issues concerning the identification and management of local government archival records.
- Attend State Archives workshops and other relevant training opportunities to enhance knowledge of records management and archival administration.
- Assist RMOs with the identification and appraisal of local government records with enduring value, and provide a local historical perspective in reviews of requests to dispose of records. Local governments may legally dispose of records by adopting and following the Archives' retention schedules, or, as appropriate, the schedules issued by the Office of Court Administration. However, the public historian's specialized knowledge can provide both the RMO and the local records advisory board with a perspective on non-permanent records series that may have ongoing local research value and thus should be kept permanently.
- Support the development and maintenance of the archival component of local government records management programs by:
 - (A) stressing the need for sufficient resources so this component can function effectively
 - (B) ensuring that archival records are identified and made accessible on a regular basis

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- (C) encouraging development of guides to facilitate access to archival records and encouraging distribution of these guides to local repositories, libraries, other historians, and researchers
 - (D) promoting use of archival records by local government officials, schools, and others
 - (E) helping new users become acquainted with archival records for public policy, planning, legal, and other research (see "Records" below)
 - (F) supporting a proper environment for the storage and use of archival records
 - (G) advocating the physical security of archival records
 - (H) ensuring that the records of defunct local government departments or agencies pass to the local government's archives. When a program ends, a department is merged with another, or a local government is dissolved or annexed, the archival records of those former entities must be protected and assessed for their ongoing research value
- Promote the importance of archival records to local government officials, news media, the historical community, and the public.
 - In the case of special purpose local governments (such as school or fire districts) where no public historian is required by statute, a public historian can still serve on records advisory boards, provide advice and historical perspective during the development of a records management program, and advise on the identification and treatment of archival records.

Many of the above-named activities can be assisted by Local Government Records Management Improvement Fund (LGRMIF) grants. Funding is available to local governments for a number of projects related to historical records, including

- assessment of the current state of historical records in a local government
- improvement of areas where historical records are stored
- facilitation of access to historical records through their arrangement and description and by the development of finding aids for use on-site, or on a local website or on the State Archives Historic Documents Inventory (see "Records" below for further information on the HDI)
- preservation of records by analysis, reformatting them onto other media (such as microfilm), or conservation treatment

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- promotion of use of historical records through outreach and public programs
 - encouragement of projects that use local government records as teaching tools in the classroom and in community programs

Local officials should contact their State Archives Regional Advisory Officer (RAO) for further information concerning LGRMIF grants. RAOs are based in nine regions across the state; each RAO serves all local governments in a region contiguous with a state judicial district. Local government historians should be involved in the development and implementation of any projects and should encourage local government RMOs to submit applications.

Public historians can also play a role in shaping State Archives services to regions by serving on a Regional Advisory Committee (RAC). RACs meet four times a year to discuss issues and needs in their regions.

Records

II. (Each local government historian shall) . . . encourage the coordinated collection and preservation of non-governmental historical records by libraries, historical societies, and other repositories . . .

Every community has historically valuable non-governmental records that include information on the development of the community, its institutions, and its people. But too often, such records have been lost because there were no organized programs to identify, collect, preserve, and make them available for research. Even where such programs exist, they often operate in isolation from each other and are undersupported and underdeveloped. Communities do not always see the historical value in such records, particularly more recent records, and people seldom realize that what they have been doing in their communities has historical value.

Small municipalities may not have local historical repositories, or their local historical societies may be dormant. In such situations, the public historian often becomes a *de facto* collector of historical records, but may lack essential collections policies and procedures governing the acquisition, legal custody, accession, protection, storage, and use of those records. Without the appropriate legal and procedural guidelines in place, the line between what the public historian has collected personally and what has been collected in an official capacity can become blurred. Too often items collected

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officially by the public historian fail to pass to a successor, or are irretrievably lost to the antiquarian marketplace. If the public historian accepts private papers and other non-government documents in her/his official capacity, these records become the property of the local government in whose name the public historian accepted them. They are then subject to the retention periods designated in the appropriate State Archives records retention and disposition schedule.

However, local repositories may not have secure space to store and preserve these records, or facilities to make them available. Local government historians considering the collection of such historical records, or actively working to ensure that their community's valuable historical records are not lost, should consult their State Archives Regional Advisory Officer.

The New York State legislature established the Documentary Heritage Program (DHP) in 1988 to help strengthen the state's historical records programs and to ensure that all of New York's historical records are identified, preserved, and made available. The law establishing the DHP authorizes aid to nine regional service providers, following the regional boundaries used by New York's Reference and Research Library Resources systems, to hire archivists to advise and assist historical records programs in their regions. The DHP also provides grant funds for historical records projects. DHP advisory services and its discretionary grants program are available to non-governmental historical records repositories. Local governments are not eligible for DHP funding, but local government historians are encouraged to promote the availability of DHP grants and advisory services to holders of historical records in their communities.

The DHP encourages the comprehensive documentation of New York State's history and culture by supporting projects that identify, survey, collect, and make available important records relating to traditionally under-represented groups and topics. The DHP is supported by the Local Government Records Management Improvement Fund and is administered through the State Archives. For further information about the DHP, visit the State Archives' website at www.archives.nysed.gov or call the State Archives' Access Services at (518) 474-6926.

Local government historians can and should support strong historical records programs for non-governmental records. Some suggested ways to do this include:

- Review county-level guides produced by the Historical Documents Inventory (HDI), which are available from the State Archives. The guides give an overview of holdings in regional repositories, as well as list regional topics in repositories elsewhere in the state. Guides

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can be used to determine how well particular places, events, people, topics, processes, or periods are documented. The HDI is now available online through the State Archives' Excelsior catalog. Local government historians should work to encourage local records repositories to 1) review entries for their institutions to ensure that the information is up to date and accurate, and 2) encourage local institutions that are not listed to submit information about their records.

- Promote further development of the DHP, including cooperating with and supporting the work of its regional archivists.
- Support and attend meetings of representatives from area repositories and institutions and meet with individuals interested in particular topics, to encourage coordinated collecting and documentation of previously under-documented subjects. Ensuring a more comprehensive and "even" record of New York's communities is a major focus of the DHP. Local government historians should follow up as appropriate to encourage, coordinate, or lead the development of such efforts.
- Advocate historical records programs in the community. Encourage the news media, community organizations, educators, governmental leaders, and other citizens to take an interest in, and become active supporters of, historical records programs.
- Encourage individuals in local historical records repositories to prepare grant applications under the LGRMIF (for local government applications only), the DHP (for not for profit sector repositories), the Discretionary Grant Program of the New York State Library's Division of Library Development, and the federal government's National Historical Publications and Records Commission's grants program.

Research

III. (Each local government historian shall) . . . carry out and actively encourage research in such records in order to add to the knowledge, understanding, and appreciation of the community's history.

Historically valuable records, including those of government and private organizations, contain information necessary to understand the community's past, cope with the present, and plan for the future. These records need to be actively used by researchers interested in pressing concerns such as health and the environment; by genealogists and family historians; by teachers and students to enrich social studies and history courses; by citizens interested in community

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history; and by scholars exploring how events in the community relate to or differ from regional, statewide, and national developments.

Public historians should be among the chief researchers of these records. However, there are specific ways for public historians to promote and conduct research:

- Draw on the local government's archival records and related sources to write a history of the local government, stressing how its programs and services evolved to meet changing community needs.
- Carry out research in local government archival records and community historical records to prepare historical accounts of various aspects of the community's history.
- Encourage broader and more innovative use of these records by introducing others to documentary resources and the repositories in which they are kept.
- Urge local schools to use historical records in appropriate curricula and teach students the importance and use of historical records. Acquaint local teachers and curriculum developers with local government archival records and help them integrate student use of those records into lesson plans. Working with the local government's RMO and archivist, and appropriate officials such as teachers and school administrators, prepare copies of local government archival records or document packets for use in the classroom. For ideas and information about working with students and teachers, consult *Consider the Source: Historical Records in the Classroom*. This publication can be purchased from the New York State Archives. Examples of the book's contents are available online at www.archives.nysed.gov; click on "Education," then on "Publications." A brief course on using historical records in the classroom is available at www.emsc.nysed.gov/
- Visit school history and social studies classes to discuss community history, drawing on and showing copies of archival records to stress the importance of archival records in uncovering and understanding history.
- Encourage, organize, and participate in annual Archives Week events, using them to draw attention to the importance and research value of the local government and private archival records of the community.
- Encourage community historical records repositories to reach out to researchers, schools, and other groups through effective finding aids, audio-visual productions, and other public and educational programs.

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- In cooperation with the local government's RMO and representatives from other local historical records repositories, use records to prepare audio-visual productions on the community's history.

For More Information and Assistance

The New York State Archives provides direct advice to local governments and state agencies on records and information management issues. The Archives has regional offices throughout the state, and each office has a records specialist who can visit you and provide technical advice and assistance. Archives services also include publications and workshops on a wide variety of records management topics. The Local Government Records Management Improvement Fund supports these services.

For further information, contact your Regional Advisory Officer, DHP Regional Archivist, or the following State Archives departments:

For information on local government records:

Government Records Services
9A47 Cultural Education Center
Albany, NY 12230
518-474-6926
recmgt@mail.nysed.gov

For information on the Documentary Heritage Program:

Documentary Heritage Program
9C33 Cultural Education Center
Albany, New York 12230
518-474-6926
dhs@mail.nysed.gov

For information on the educational uses of historical records:

Public Programs and Outreach
9B52 Cultural Education Center
Albany, NY 12230
518-474-6926
archedu@mail.nysed.gov



Town of New Lebanon

Historic Items Policy

(aka Items related to Town History)

The Town of New Lebanon recognizes that protecting and promoting our local history is vital. All historic items received by the town historian will be recorded on a "Donations of Historic Documents & Items" form (copy attached), evaluated by the historian to determine the appropriate repository for the item such as local government archives, the New Lebanon Library, or the Lebanon Valley Historical Society, as recommended by the NY Office of State History. This determination will be documented on the "*Donations of Historic Documents & Items*" form and a "*Records Deposit Agreement*" (copy attached) will be executed between the town and the repository. The original of both the "*Donations of Historic Documents & Items*" form and the "*Records Deposit Agreement*" will be filed with the Town Clerk.

In instances when it is would not be appropriate or necessary to have a "*Records Deposit Agreement*," the historian may request a waiver from the Town Board. Authorization from the Town Board is required to waive the "*Records Deposit Agreement*" requirement and the Town Clerk must certify that said waiver was approved by the board on the "*Donations of Historic Documents & Items*" form.

A copy of all "annual reports" prepared by the historian for the Town Supervisor/Town Board and the State Historian will be filed in the Town Clerk's Office.

As required by §57.09 of the Arts and Cultural Affairs Law, the New Lebanon Town Historian shall, upon retirement or removal from office, turn over to the Town Clerk, or to his or her successor in office, all materials¹ gathered during his or her incumbency and all correspondence relating thereto.

¹ *Materials gathered should be composed of files and documents prepared by the historian, historic items received on behalf of the town should already have been transferred to the proper repository.*



Town of New Lebanon Records Deposit Agreement

This agreement, made in duplicate between the _____ (hereafter referred to as "the repository") and the Town of New Lebanon (the Town), deposits and transfers to _____, under the below terms, physical custody, but not ownership, of certain records and/or items, described as follows and collectively referred to as "the records":

Terms of Agreement

1. The repository agrees to protect and preserve, to the extent feasible and consistent with its usual practices, the physical as well as the intellectual contents of the records, but the repository assumes no responsibility in case of loss or damage by theft, fire, or any other cause whatsoever. The repository need not specially insure the materials covered by this agreement.
2. The repository may arrange or rearrange these materials, in accordance with its usual practices, to make them more accessible to researchers.
3. This agreement may be amended by written documents accepted and signed by the authorized agents of the repository and the Town.
4. The Town warrants that no other individuals, institutions, or other entities have interest in the records covered by this agreement.
5. The below itemized attachments state the Town's required restrictions on access and use of the materials or a stated portion of them for specified periods of time and further state how access and use shall be permitted during the periods to which the restrictions pertain:

6. The repository may, without notice or fee to the Town, publish, in whatever form it chooses, descriptions of, catalogs to, or other announcements of the availability and contents of the materials in the usual and customary places and manners.
7. The repository may, without notice or fee to the Town, make copies of any of the materials for purposes of preservation and, within the limits set forth in these Terms, public use.
8. Except for limited periods, when certain portions of the materials may be undergoing preservation treatment, the Town has right of on-site access to the records covered by this

● Page 2, Records Deposit Agreement

agreement at all times the repository is open to the public. Further, the Town may request copies of any of the records covered by this agreement. The Town shall be responsible for payment of the usual and customary charges for such copies except either as such charges may be waived in particular instances for courtesy copies of small number of pages or as provision of such copies may be deemed dangerous to the physical preservation of the original items that are to be copied.

9. If the repository should be judged to have failed to carry out its responsibilities under this agreement, and if the Town or any other person seeks to enforce this agreement or claim damages for breach of it, the repository shall have the option of satisfying any obligation imposed upon it by this agreement by returning the given items (and all archival copies of same) to the Town or the Town's legal representative.
10. If the repository, however, is judged to have carried out its responsibilities under this agreement, yet the Town still wishes to regain physical custody of the records, the Town may do so, but only after reimbursing the repository for the fair cost of its care and maintenance of these records over the period of deposit.
11. Further items of agreement covering this deposit and not elsewhere mentioned above are as follows:

We, _____ and the Town of New Lebanon, hereby deposit the records listed in the opening paragraph above or subsequently added under item 3 above and agree to the other items set for within this agreement.

Signed for the Town: _____

Printed Name & Title of Signer: _____

Signed for the Repository: _____

Printed Name & Title of Signer: _____

Date: _____