

**MINUTES OF THE REGULAR MONTHLY MEETING OF
THE TOWN BOARD OF THE TOWN OF NEW LEBANON
HELD ON NOVEMBER 10, 2020**

Present: Tistrya Houghtling, Supervisor
Jesse Newton, Councilmember
Norman Rasmussen, Councilmember (online)
Deborah Gordon, Councilmember (online @ 7:05 pm)
John Trainor, Councilmember

Recording Secretary: Marsha “Marcie” Robertson, Town Clerk

Others Present: Jeff Winestock, Highway Superintendent
Cissy Hernandez, CEO, ZEO
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 (online 7:18 pm)
David Farren, CAC Chair (online 8:16 pm)
Jon Tingley, Town Attorney (online 8:22 pm)

CALL TO ORDER:

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

https://townhallstreams.com/towns/new_lebanon_ny

MINUTES:

The minutes of the **October 13, 2020 Special Meeting, October 13, 2020 Public Hearing on Proposed LL #2, October 13, 2020 Public Hearing on Proposed LL #3, October 13, 2020 Regular Meeting, October 15, 2020 Special Meeting, October 15, 2020 Budget Workshop, October 19, 2020 Special Meeting, October 19, 2020 Special Meeting, October 19, 2020 Budget Workshop, October 22, 2020 Public Hearing on Proposed 2021 CRS Contract, October 22, 2020 Budget Workshop and October 28, 2020 Budget Workshop** meetings were reviewed. A motion was made by Supervisor Houghtling, seconded by Councilmember Newton and 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 October 31, 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.

BUDGET AMENDMENT #8 OF 2020:

Supervisor Houghtling stated that we have a laptop that was purchased for the Assessor that needs a little more money because she also bought a printer, we are taking it from her .4 to her .2, it is budget neutral. The publicity is for the Business Directory. The parks equipment is the security camera system.

General Fund:

\$ 159.00	from A-1355.4 (Assessor – Cont. Exp.)
\$ 377.00	from A-1670.41 (Newsletter)
\$ 1,072.00	from A-7110.4 (Parks – Cont. Exp.)
\$ 7,100.00	from A-1990.4 (Contingency)
\$ 159.00	to A-1355.2 (Assessor – Equipment)
\$ 7,000.00	to A-1420.4 (Attorney – Cont. Exp.)
\$ 477.00	to A-6410.4 (Publicity – Cont. Exp.)
\$ 1,072.00	to A-7110.2 (Parks – Equip.)

Highway Fund:

\$ 500.00	from DA-5130.2 (Machinery - Equipment)
\$ 500.00	to DA-9050.8 (Employee Benefits - Unemployment)

A motion was made by Councilmember Trainor and seconded by Councilmember Newton 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

AUDIT OF BILLS:

General No.351, in the amount of \$366.50;
As listed on Abstract No. 10A dated November 10, 2020.

General Nos. 352 through 384, in the amount of \$26,730.29;

Supervisor Houghtling stated that at the end of the meeting they will be pausing the public meeting and going in for legal counsel regarding Highway Voucher #109, so the advice from the town attorney is that they authorize payment of:

Highway Nos. 106 through 108 and 110 through 118 in the amount of \$38,510.85; and then after they speak to the town attorney, they can revisit Voucher #109.

Escrow Nos. 17 through 21, in the amount of \$4,082.50; and
SF-1 LVPA No. 4 in the amount of \$32,375.00
As listed on Abstract No. 11 dated November 10, 2020.

A motion was made by Councilmember Newton and seconded by Supervisor Houghtling 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

Highway Superintendent Winestock asked the Town Board why they aren't paying highway voucher #109?

Supervisor Houghtling responded to Highway Superintendent Winestock that until they get legal counsel, she'd rather not publicly say anything but they will certainly involve Highway Superintendent Winestock in the conversation after the Town Board speaks with the Town Attorney.

OLD BUSINESS:

Climate Smart Task Force Letter of Interest Received:

Supervisor Houghtling stated that the CSC has one more vacancy, we went out for letters of interest before the last meeting and there was one person who attempted to submit a letter of interest and it didn't make it to the town. Joshua Young who is on the BEDC would also like to be on the CSC, submitted his letter of interest. Supervisor Houghtling stated that because we didn't receive multiple letters of interest, they do not need to do interviews. Supervisor Houghtling stated that she spoke to the committee chair, Steve

Powers and he is happy to welcome Josh to the CSC.

Councilmember Trainor stated that he thinks Josh is a good choice, he has done really good work at the farmer’s market, and really knows what he is talking about.

Supervisor Houghtling made a motion to appoint Joshua Young to the Climate Smart Task Force Committee. The motion was seconded by Councilmember Trainor.

Roll Call Vote:

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

Resolution Moving \$218,310.00 from General Account to Highway Account:

Supervisor Houghtling stated that we already purchased the new highway truck. The money was already budgeted from the general fund in the 2020 budget to the highway fund, but we need a resolution to move the money inside the money market accounts from the general to the highway.

TOWN OF NEW LEBANON

RESOLUTION #23, 2020

AUTHORIZATION TO MOVE MONEY FROM GENERAL TO HIGHWAY

NOVEMBER 10, 2020

At the regular monthly meeting of the New Lebanon Town Board, held in person at the New Lebanon Town Hall and on Town Hall Streams, duly called and held on the 10th day of November 2020, the following Resolution was proposed and seconded:

Resolution by Councilmember Trainor

Seconded by Councilmember Newton

AUTHORIZING THE TOWN ACCOUNTANT TO MOVE \$218,310.00 FROM THE GENERAL MONEY MARKET ACCOUNT TO THE HIGHWAY MONEY MARKET ACCOUNT

WHEREAS, in the 2020 budget, the Town Board budgeted \$280,000.00 on page 14 as an inter-fund transfer, with a transfer to highway fund A-9901.1 and brought \$230,000.00 of that transfer into the highway budget on page 18 into account DA 5130.2, Equipment – truck; and

WHEREAS, on August 17, 2020 a check was issued to Navistar in the amount of \$218,310.00 for a new highway truck; and

WHEREAS, the Town Board needs to authorize the Town Supervisor to move the money for

the truck from the general money market account to the highway money market account;

NOW, THEREFORE BE IT RESOLVED, that the Town Board authorizes the Town Supervisor to move \$218,310.00 from the general money market account to the highway money market account.

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

Roll Call Vote:

Councilmember Norman Rasmussen	Aye
Councilmember Deborah Gordon	Aye
Supervisor Tistrya Houghtling	Aye
Councilmember Jesse Newton	Aye
Councilmember John Trainor	Aye

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

Dated: November 10, 2020

Highway Equipment Bids Received:

Supervisor Houghtling stated that she will waive the reading of the bid notice but requested Town Clerk Robertson put the notice in the minutes.

**TOWN OF NEW LEBANON BID REQUEST
1999 INTERNATIONAL 2500 SERIES AND 2008 DODGE 5500**

NOTICE IS HEREBY GIVEN that the Town of New Lebanon is seeking to sell one (1) 1999 International 2500 Series single axle combination dump and sander “as is” AND (1) 2008 Dodge 5500 4-wheel drive combination dump and sander with a plow “as is.” Further information can be obtained from the New Lebanon Highway Superintendent. If you would like to view the equipment, please contact the Town Clerk at 518-794-8888. Bids must be in a PLAIN WHITE ENVELOPE with “1999 INTERNATIONAL BID” or “2008 DODGE BID” written on the front. Sealed bids must be received in the office of the Town Clerk at the New Lebanon Town Hall, 14755 Route 22, New Lebanon, New York, no later than 4:00 p.m. on Friday, November 6th, 2020. Bids will be opened publicly in the Office of the New Lebanon Town Clerk at 4:00 p.m. on Friday, November 6, 2020. Bids will be reviewed by the Highway Superintendent and the New Lebanon Town Board for acceptance or rejection at the regular monthly meeting of the New Lebanon Town Board at the Shatford Park Pavilion, 170 Old Post Road, at 7:00 p.m. on November 10, 2020. The Town Board reserves the right to reject or accept all bids.

Bids Received:

Town Clerk Robertson stated that we received one bid for the 1999 International in the amount of \$1,005.00 and one bid for the 2008 Dodge 5500 truck and plow in the amount of \$4,006.00.

Supervisor Houghtling stated that the hope was to get up to \$50,000 for the four pieces of equipment, she is assuming that these bids for these two pieces of equipment are relatively low.

Councilmember Newton stated that he thinks the bids received are low. He stated that the 1999 International is to the point where it cannot be inspected again due to issues with the frame. He thinks the last time we went out to bid on this truck we didn't get offered much more than this bid received and it has aged a couple more years.

Councilmember Newton stated that he personally thinks the bid on the 2008 Dodge is a little low. He thinks that because it is a municipal truck, it has a lot of stuff on it that an average contractor wouldn't need. He sent a lot of people to look at it, he told everyone where the bid notices would be, to look in the paper. He knows that a lot of people have looked at the truck and this was the only bid we received.

Highway Superintendent Winestock stated that the 1999 International is just sitting out there and rotting, it is not getting any better. The last bid wasn't that much more than this bid. He stated that he'd like to see the big one gone, but he knew this was going to happen. Highway Superintendent Winestock stated that he didn't want to put any more money into the 2008 Dodge, it needs a transmission. He thinks the bid received for that truck is low, he would have hoped for more.

Supervisor Houghtling asked Highway Superintendent Winestock if he would be open to trying one month to go out to bid on Auctions International and see if we can't get higher bids for these trucks? Supervisor Houghtling stated that we were originally going through Auctions International and then we did it differently to try to get local bidders, which didn't seem to happen.

Highway Superintendent Winestock stated that he wouldn't have a problem, if we could do this, he'd like to put the grader too. Highway Superintendent Winestock stated that he thought he knew someone from another town that might have wanted the 1997 and he stated that he told the Town Board last year that they probably wouldn't inspect the 1999. He stated that he did have someone recently come and look at the 1997, and they didn't want anything to do with it.

Highway Superintendent Winestock stated that he wouldn't have any problem with the 1997 or the grader going to Auctions International. He stated that on the 2008 Dodge if you could do it legally, since it was bid on can you now go to Auctions International?

Councilmember Newton stated that we ran into this with one of the other ones that went out to bid. If the Town Board thinks that the bid received is excessively low than they can go out to bid again. He stated that the 1999 International has already gone out to bid through Auctions International, other municipalities have looked at it, he thinks we should just get rid of that one and not waste any more time on it.

Supervisor Houghtling asked wouldn't it be worth more than \$1,000.00 just in scrap metal alone?

Councilmember Newton responded that's about it and scrap is all over the place right now.

Highway Superintendent Winestock stated that the 1999 International has been put out to bid many times and he can't recall the exact bid received but it wasn't much more than this bid.

Councilmember Newton stated that he thought one of the bds came in at \$2,500.00 or something.

Highway Superintendent Winestock stated no it wasn't that high, it was in the teens.

Councilmember Newton stated that we could go out to bid on all of it. Does it cost anything on Auctions International?

Supervisor Houghtling responded, no. If the truck sells, they build in a commission that they charge to the seller. The town tells them what we want for it and then they add in their commission to the person who bids. If we don't end up selling through them, we don't pay anything.

Supervisor Houghtling stated that we can't do both, we have done this now but we could say that we are not accepting these bids and let the bidders know that if they want to rebid through Auctions International that we are going out to bid again through them.

Councilmember Newton stated that he has dealt with those sites, that was why he wanted to do it locally with the paper. You have to sign up and you have to stay right on top of it. That is why a lot of small municipalities do these sealed bids.

Supervisor Houghtling stated she feels like the number they were potentially looking at for the four pieces was \$50,000 and she thinks the 1997 is in worse shape than the 1999.

Highway Superintendent Winestock stated that no it's not in worse shape.

Councilmember Newton stated that he didn't think you'd even want to start that 1999 now with the oil housing leaking and stuff.

Highway Superintendent Winestock stated it's not in good shape.

Councilmember Newton stated that the 1997 is also four-wheel drive and is set up for a wing. These are the two least expensive pieces that we are going to be seeing go. He stated that personally he would like to see the Dodge go for more.

Supervisor Houghtling stated for the record that if these aren't fair market values, the people who are bidding on them, and if accepted not at fair market value, we would need a written disclosure from Highway Superintendent Winestock on the 1999 and a written disclosure on the person who bid on the 2008 just stating that there is a relationship there. If it was fair market value then she could say okay, but the fact that there is a relationship and it looks to her to be under fair market value makes her uncomfortable. If we go out to Auctions International and these same two people bid through there and are the highest bidder, it makes her more comfortable.

Councilmember Newton stated that it wouldn't surprise him if there were higher bids because for the most part a lot of these are bought from pictures online and there is no history behind it. He stated that he is comfortable either way. It would just be nice to get rid of the 1999, it hasn't moved for quite a while.

Supervisor Houghtling asked Highway Superintendent Winestock if he was comfortable if we got out to bid one more time through Auctions International?

Highway Superintendent Winestock responded we just keep drawing it out.

Supervisor Houghtling asked if he was comfortable going back to what we were doing originally, one more time with bids due right before the December meeting with all four pieces. We might be able to say if they don't receive any bids higher than the bids we have; we might be able to consider the current bidders the highest bid.

Highway Superintendent stated that he didn't have a problem putting out to Auctions International but he also doesn't want to get stuck, no bids on them. A little money is better than no money.

Supervisor Houghtling made a motion, seconded by Councilmember Newton and approved unanimously to not accept any bids at this time and to put the 1999 International, 2008

Dodge, 1997 International and 1988 Grader out to bid via Auctions International with bids due before the year end meeting.

Adoption of 2021 Budget:

Supervisor Houghtling stated that we have our Preliminary Budget, we had a Public Hearing, one person came and talked about the contract with LVPA. We had no actual input on the budget. No Town Board members had anything else on the budget.

Supervisor Houghtling made a motion to adopt the 2021 Preliminary Budget as the 2021 Final Budget for the Town of New Lebanon. The motion was seconded by Councilmember Trainor.

Supervisor Houghtling stated that she wanted to disclose for the record that she is voting on the Town Budget but when it comes to the LVPA piece of the Budget, her husband is on the board of the LVPA, she wanted to disclose that relationship on the record.

Roll Call Vote:

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

Proposed LL #2 of 2020 (If Adopted Becomes LL #3 of 2020):

Supervisor Houghtling stated that we did have a public hearing, there was a lot of public comment, we adjourned it one month to do a little more research to find out answers to some of the questions. Supervisor Houghtling stated that she sat down with Ted Salem, had a really good conversation, found out a lot of information that she didn't fully understand. Supervisor Houghtling stated for the record, she wants the public to know that she listened to their concerns, she researched them and a person argued that this law was a solution in search of a problem. In some of the research that she has done, there are some definite issues that this law would potentially address for new short-term rentals or short-term rentals that don't currently fit the definition but would later fit the definition and would get this permit and it would be able to address things like parking and noise. At the last public hearing there were comments about that this was only one location having issues, it's not she has actually heard from neighbors of three different locations that have had issues. Everyone who attended the public hearing were opposed to this law and it was commented where are the people in support of this law. The people in support didn't want to come and possibly have an issue with their neighbor. She has heard from multiple people that are very much in support of this law and almost everyone on the ZRC are in support of this.

Supervisor Houghtling stated that the process that will be put in place if this law is adopted is really not cumbersome. One concern that people had that the ZRC really listened to and paid attention to was that going through a site plan review was a

cumbersome process for them and the ZRC went back to the drawing board and took that part out completely. She thinks there is some confusion because the law also addresses some site plan review but the site plan review does not relate at all to the short-term rental. It is really an inexpensive application and likely one visit in front of the ZBA for this special permit.

Supervisor Houghtling stated that the argument that Air B&B are self-regulating, she did do quite a bit of research into that. What she found was they are self-regulating in the sense that, do you have a comfortable bed to sleep on, etc. There was nothing regulating in the Air B&B where they are coming out to inspect your parking or quite time.

Supervisor Houghtling stated that her other concern was enforcement, if someone was in violation of the special permit, would it put a lot of extra work on the Building Department and CEO Hernandez is completely in support if the Town Board passes this law and does not feel that this will be an overly cumbersome thing on her office.

Supervisor Houghtling stated that the other thing that her and Ted Salem realized in conversation with the town attorney is that if it is a current short-term rental that fits the definition that is proposed in this law, that short term rental would not need to go the special permit process. So, if a brand new short term rental came in or if a current rental only rents their property two weekends out of the year and two months after we adopt the law they decide they are going to rent it out twelve weekends out of the year and they pass that threshold of the definition, then they would go for the special permit.

Supervisor Houghtling opened it up for any question, comments or concerns after getting answers to some of the concerns from the prior Public Hearing.

Councilmember Trainor stated he had some of the same concerns as Supervisor Houghtling did and he thought Ted's communication was helpful. There now is a cut off point, new rentals will be subject to the new rule, others are grandfathered in. That clarified it for him and he thinks it takes some of the pressure off some of those that did speak against this at the last meeting.

Councilmember Rasmussen stated that he had no questions and thanked Supervisor Houghtling for the clarifications.

Councilmember Gordon stated that she thinks that the regulation is good the way it is written. It is about as minimal as it could possibly be but it does send the message that the Town is concerned and is paying attention and that she thinks they want to send that message.

Councilmember Newton stated he has already lodged a couple complaints, but he accepts it the way it's been modified.

Supervisor Houghtling made a motion to ratify Part 1 of the Full Environmental

Assessment Form in connection with proposed Local Law #2 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 #2 of 2020 as prepared by the Attorney for the Town. Councilmember Gordon 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 a negative declaration under SEQRA in connection with proposed Local law #2 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 Newton seconded that motion.

Roll Call Vote:

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

Supervisor Houghtling stated before she makes the final motion, there were two things brought up that are non-substantive changes that she will make in this motion.

The first was brought up by Cynthia Creech, on page 2, section 2, it says Article 1 Right to Farm and then it says – Commercial and Non-Commercial, it is a little confusing because most of what is in there is just commercial. Attorney Tingley's recommendation is to strike through completely that -Commercial and Non-Commercial. So, on page 2 it will simply read Article 1 Right to Farm and then it will go into 102-1 Legislative Intent Purpose and then where it gets to Non- Commercial it specifically says that.

Supervisor Houghtling stated that the other was something that Ted Salem brought up, page 14, Section Q, under short term rental it says: but not including spaces that are rented for an aggregate total of 30 days or less over a 365 day period or a single dwelling space in (bedroom) we want to add in the language (e.g. – bedroom).

Supervisor Houghtling made a motion to enact Introductory Local Law #2 of 2020 as Local Law #3 of 2020 with the following changes, on page 14 adding in (e.g.- bedroom) and on page 2, lining through Commercial and Non-Commercial and to authorize and direct the Town Clerk and Town Supervisor to transmit Local law #3 of 2020 to the New York Secretary of State for filing in accordance with the Municipal Home Rule Law. Councilmember Trainor seconded that motion.

Roll Call Vote:

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

Please see **Addendum A** for Local Law #3 of 2020.

Resolution Adopting New Retention Schedule:

Supervisor Houghtling stated that we have a resolution adopting a new retention schedule, this is from the Town Clerk's office to get inline with the NY State update. The new schedule, the LGS-1 combines and replaces all four previous local government schedules (CO-2, MU-1, ED-1 & MI-1).

TOWN OF NEW LEBANON

RESOLUTION #24, 2020

RETENTION AND DISPOSITION SCHEDULE FOR NEW YORK LOCAL GOVERNMENT RECORDS (LGS-1)

NOVEMBER 10, 2020

At the regular monthly meeting of the New Lebanon Town Board, held in person at the New Lebanon Town Hall and on Town Hall Streams, duly called and held on the 10th day of November 2020, the following Resolution was proposed and seconded:

Resolution by Supervisor Houghtling
Seconded by Councilmember Newton

ADOPTING A RETENTION AND DISPOSITION SCHEDULE FOR NEW YORK LOCAL GOVERNMENT RECORDS (LGS-1)

RESOLVED, By the Town Board of the Town of New Lebanon that *Retention and Disposition*

Schedule for New York Local Government Records (LGS-1), issued pursuant to Article 57-A of the Arts and Cultural Affairs Law, and containing legal minimum retention periods for local government records, is hereby adopted for use by all officers in legally disposing of valueless records listed therein.

FURTHER RESOLVED, that in accordance with Article 57-A:

P only those records will be disposed of that are described in *Retention and Disposition Schedule for New York Local Government Records (LGS-1)*, after they have met the minimum retention periods described therein;

Q only those records will be disposed of that do not have sufficient administrative, fiscal, legal, or historical value to merit retention beyond established legal minimum periods.

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

Roll Call Vote:

Councilmember Norman Rasmussen	Aye
Councilmember Deborah Gordon	Aye
Supervisor Tistrya Houghtling	Aye
Councilmember Jesse Newton	Aye
Councilmember John Trainor	Aye

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

Dated: November 10, 2020

Community Solar Resolution for CSC:

Supervisor Houghtling stated that we had a presentation at the last board meeting for Community Solar, the Town Board agreed that it was something they wanted to let the Climate Smart Task Force (CSC) work on. Supervisor Houghtling reminded everyone in the public that this is not an obligation to anybody, this is simply an opportunity for anyone who would like to potentially save up to 10% on their electric bill and move to solar. It does also offer the option for the Town building and street lights to then move over our NYSEG bills to Community Solar as well and save 10% on all of our energy costs here at the town.

TOWN OF NEW LEBANON

RESOLUTION #25, 2020

SUPPORTING NEW LEBANON COMMUNITY SOLAR CAMPAIGN

NOVEMBER 10, 2020

At the regular monthly meeting of the New Lebanon Town Board, held in person at the New Lebanon Town Hall and on Town Hall Streams, duly called and held on the 11th day of November 2020, the following Resolution was proposed and seconded:

Resolution by Supervisor Houghtling
Seconded by Councilmember Trainor

SUPPORTING NEW LEBANON COMMUNITY SOLAR CAMPAIGN

WHEREAS, Solarize is a short term, local effort administered by New Lebanon’s Climate Smart Task Force that brings together groups of potential community solar customers through widespread outreach and education, and

WHEREAS, this model helps customers voluntarily choose a community solar company that is offering competitive, transparent pricing, and

WHEREAS, this model also helps educate customers who are interested in installing their own solar panels on their own property, and

WHEREAS, community solar typically offers up to 10% savings on residents’ electric bills, and

WHEREAS, residents and businesses who sign up for community solar by a specific deadline will be able to support local solar energy generation and

WHEREAS, the Town of New Lebanon shall also be able to take advantage of community solar and receive up to a 10% discount on municipal electric accounts and

WHEREAS, the New York State Energy Research and Development Authority (NYSERDA) provides technical assistance and other tools and resources to communities in support of Solarize campaigns.

NOW, THEREFORE, BE IT RESOLVED, that the Town of New Lebanon supports, endorses, and is committed to participate in a voluntary community solar campaign.

BE IT FURTHER RESOLVED, that the Town of New Lebanon stands ready to assist with community outreach and education in support of a community solar campaign.

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

Roll Call Vote:

Councilmember Norman Rasmussen	Aye
Councilmember Deborah Gordon	Aye
Supervisor Tistrya Houghtling	Aye
Councilmember Jesse Newton	Aye
Councilmember John Trainor	Aye

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

Dated: November 10, 2020

NEW BUSINESS:

Set Dates for Year End Meeting and Annual Organizational Meeting:

An end of year meeting was scheduled for Tuesday, December 29, 2020 at 6:00pm and the organizational meeting was scheduled for Friday, January 1, 2021 at 10:00am both to be held at the town hall with TB members part in person and part online and to be viewed by the public at live stream link.

2021 Contract with Columbia Greene Humane Society:

Supervisor Houghtling stated that there are no changes on the 2021 contract from the 2020 contract.

Councilmember Newton made a motion authorizing Supervisor Houghtling to enter into contract with the Columbia Greene Humane Society for 2021. The motion was seconded by Councilmember Trainor.

Roll Call Vote:

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

Policy Review – Code of Ethics:

Supervisor Houghtling stated that the Town Board did decide at the last meeting that they will wait for the Ethics Board to weigh in before they make any changes because the Ethics Code has to be done by Local Law, but they do have to review it in 2020.

Supervisor Houghtling stated that back in February she started an email chain with the Town Board asking them what they see in the Ethics Code that they want the Ethics Board to look at and they came up with a list. Not every Town Board member contributed to that list. Some people on the Ethics Board thought this was Supervisor Houghtling's list, she clarified that it is not. It is a combination of what was emailed to her and she put it together.

1. While I agree that we can't or shouldn't legislate good behavior, I'd like them to give some consideration to the circumstances under which a board member might be removed by the Town Board. The Ethics Board is called upon to make decisions about other citizens such that we have to be able to have complete confidence in their impartial judgement. At the least, The TB should be able to remove an EB member with a super-majority if they no longer have confidence in their ability to decide ethics complaints fairly.

Supervisor Houghtling asked how the Town Board felt about that.

Councilmember Rasmussen stated that he would like to hear what the Ethics Board has to say.

Supervisor Houghtling stated that none of these are being decided upon right now. They will be sent along to the Ethics Board for their input.

2. chair position - the code does not speak to it and there have been issues in the past regarding who is the chair, who appoints the chair (TB appoints PB and ZBA chair - does Ethics board appoint their own chair or TB appoints?), what the chair's role is - I think this should all be

clearly spelled out in the code to avoid confusion

Supervisor Houghtling stated that there has just been so much confusion over the years when she was in the Town Clerk's office and even this year with the Chair position. It actually ended up costing us a lot of money in attorney fees because for a while there was no chair and in order to get a meeting together for them to appoint a chair, it wasn't appropriate for her or Marcie to interact in any capacity there, so the Town Attorney had to come in and act as the acting Chair of the Ethics Board for a few months. As of right now the code doesn't even address a chair. She would like the Ethics Board's input for defining that, every other board the chair is appointed by the Town Board. The attorney had recommended that the Town Board just appoint a chair and there was some push back on that.

Councilmember Newton stated that he thinks the easiest thing is for the Ethics Board to look at other towns and see what they are doing. The Ethics Board is unusual, they are almost like the judicial branch of town government. He would like to hear what the Ethics Board has to say as well.

Supervisor Houghtling stated that she can look at the County Ethics board and how they appoint a Chair. She can do some of that research and see what the Ethics Board thinks. The ZBA is also a quasi-judicial board where they are completely independent and autonomous of the Town Board and they still appoint that Chair.

3. how complaints are filed - the code talks about upon receipt of a complaint what they should do, but it doesn't spell out how to file a complaint - complaints have been coming in through the Town Clerk's office as that is how it has always been done but I don't see anything in the code defining this. There have been some complaints about this process and they don't have to come through the Town Clerk's office. They could come directly to a PO Box opened for the Ethics Board but then the chair or some other Ethics Board member would need to check that mailbox regularly even though it is sometimes years that no ethics complaints are received. Another option is that they go to the home or PO box of the ethics chair but that position can change and that may not have the consistency needed. We are open to any ideas you guys have on this, but either way we need to define it in the code.

Councilmember Newton stated that he thinks the best place for them to go is the Town Clerk, they are already keeper of the records, they are the FOIL officer. Make it clear that it has to be in a double envelope marked as Ethics Board.

Supervisor Houghtling stated that from experience in the Town Clerk's office, that does make the most sense but there were complaints about her or Marcie as Deputy potentially mishandling something when we did exactly what it was, we were supposed to do and so it's a bit sticky for the Town Clerk's office.

Councilmember Trainor stated the Town Clerk isn't going to read the complaint, put it in an envelope and maybe email the Chair of the Ethics committee. There aren't many

complaints, correct?

Supervisor Houghtling responded that there aren't.

4. section 16-6 I. states "Each Town officer or employee shall pursue a course of conduct which will not raise suspicion among the public that he is likely to be engaging in acts that are in violation of his trust." - can we give some examples or more clarification here as to what this means? - seems very vague and open to interpretation as to the current ethics board members opinions on what actions would raise suspicion that the person is engaging in acts that are in violation of his trust - some examples or clarification here may make this less vague.

Supervisor Houghtling stated that this is subject to interpretation.

Councilmember Newton stated that this comes back to the Ethics Board comes up with looking at other municipalities.

Supervisor Houghtling asked if there is anything else that wasn't on this initial list that any board members have thought of?

No one had any other questions or concerns.

Free Store – Set up at LVPA on 11/22 at 11am:

Supervisor Houghtling stated that we are doing a Free Store Pop-Up day at the LVPA on November 22, 2020 at 11:00 AM. The CSC volunteers who have taken it over are setting it up. Anyone can come and take anything that they need for free. It's not just for families in need, it's also to help keep things out of the landfills. Strict social distancing will be followed, masks must be worn, they will be disinfecting, building login sheets to login every volunteer and employee.

CLC Application - \$500 Grant for Comprehensive Plan:

Supervisor Houghtling stated that there is a \$500.00 grant from the CLC, she did email it out to the CSC, CAC and the Comp Plan. She heard back from the Comp Plan that it would fit within what we are doing with the Comp Plan. Ted Salem has prepared the application, just looking for approval from the Town Board for Supervisor Houghtling and Ted Salem to work on submitting the application.

Councilmember Trainor made a motion, seconded by Councilmember Gordon and approved unanimously to authorize Supervisor Houghtling and Ted Salem to apply for the grant.

Climate Smart Communities Grant Application:

Supervisor Houghtling stated that we have another grant opportunity for the Climate Smart Task Force, it is up to \$8,000 to help us reach bronze status, which our CSC has been working on. It is through an organization called Lifeboat HV in their Local Champions Program.

Supervisor Houghtling stated that it is grant funding and programmatic support to local municipalities that are working on the New York State Climate Smart Communities (CSC) program. There is an agreement that she will need authorization to sign the participation agreement and authorization for the CSC to submit the agreement and the application for the grant funding.

Councilmember Trainor made a motion, seconded by Councilmember Gordon and approved unanimously to authorize Supervisor Houghtling to sign the participation agreement and authorization for the CSC to submit the agreement and the application for the grant funding.

3rd Quarter Sales Tax Received - \$144,485.06 – 2019 was \$133,952:

Supervisor Houghtling stated we received a check for \$144,485.06 which is actually higher than 2019. 2019 was \$133,952.00. This doesn't necessarily reflect sales tax in New Lebanon. Sales tax is collected county wide and then it is distributed based on population from the last Census, which in this case is the 2010 Census. Supervisor Houghtling stated that she did ask for some data as to why sales tax has increased during COVID. There is no hard data to share, but a few ideas are one is that businesses held onto their second quarter sales tax, not sure if they were going to be able to get through month to month. We do have large store like Lowes, Home Depot, etc and their sales have gone up.

Councilmember Newton added that the cost of building materials has gone up as well.

Supervisor Houghtling stated that sales of homes have increased, mortgage taxes are up.

Quad Board Meetings With Chairs, Building Department & Attorney Ferradino:

Supervisor Houghtling stated that these meeting used to be held with full board participation by the prior Town Supervisor.

Supervisor Houghtling stated that her proposal is to have Ted from ZRC, Jesse as Building Department liaison, herself as Town Board Chair, the planning board chair, the zoning board chair, the CAC chair, Cissy as our CEO/ZEO and the attorney, Stephanie Ferradino all get together maybe every other month and discuss some of the hurdles, site plan review and just having an overall discussion. Then come to the Town Board for recommendations before then going to the ZRC to potentially be written into codes changes. Supervisor Houghtling was looking for Town Board approval on the idea and also because it will be a small cost for Stephanie to be at the meetings. She can do the meetings online, so she won't charge for travel time. Supervisor Houghtling thinks they will spend a little bit of money to potentially save a lot more money in the long run from having clearer definitions of code and zoning and building department procedures.

Councilmember Rasmussen stated that he thinks there is a better chance of having more productive meetings the way Supervisor Houghtling proposed it.

Councilmember Gordon stated that it sounded good to her.

Fees for Operating Permit and Certificate of Occupancy:

Supervisor Houghtling stated that the Town Attorney, Jon Tingley is working on a fee schedule to be adopted in December, for the fees that they agreed to for the fire inspection as well as what is proposed in the new dog law amendment. One thing the attorney brought up in his review is that most towns charge for a certificate of occupancy and most towns charge for an operating permit. We are legally allowed to do so and we are not. The attorney recommends that we do, CEO Hernandez agrees, she will do a little research into what other towns are charging.

No one was opposed to this.

Request to Albany Medical Center to have an Outpatient Clinic in our Area:

Supervisor Houghtling stated that lack of health care in this area is a very real thing. There is a resident who has gotten permission already from the Town Board of Stephentown, is working on the Town Board of Berlin and would also like the Town Board of New Lebanon to sign on. It is basically a letter to Albany Medical Center, to the Assistant Vice President of Planning and Strategy stating that we have unmet health care needs in the towns of Berlin, New Lebanon and Stephentown and that we are requesting that they conduct an analysis of unmet medical needs of the areas of Rensselaer and Columbia Counties that are not in reasonable proximity to their Brunswick, NY outpatient clinic. It also lists the demographics and drive times for each of the towns. Supervisor Houghtling asked if there were any questions and stated that she was looking for a motion to sign this letter.

Councilmember Newton stated that he thinks it's a good idea.

A motion was made by Councilmember Newton, seconded by Councilmember Trainor and approved unanimously to authorize Supervisor Houghtling to sign onto the letter to Albany Medical Center regarding an outpatient clinic for this area.

Councilmember Newton stated that he would also like to see some County services brought out here, a satellite office would be great to have.

Supervisor Houghtling stated that COVID put a halt on a lot of that, she had met with Bob Gibson of DSS right before COVID hit and he had it set up that there was going to be a bus that came out twice a week and brought them to Chatham and then to Hudson for groceries, doctors, etc. There have been a lot of budget cuts due to COVID as well. She is hoping that when things get back to normal we can move forward on this.

Introduce Proposed LL Amending Dog Control Laws:

Supervisor Houghtling stated that we had two different meeting where we agreed on several different things. The Town Attorney put it together in a local law with the exception of the last meeting that we had for allowing Maggie Banker to board animals at her house and charge the town \$20.00 a night as opposed to the \$35.00 a night that Columbia Greene charges as well as giving Maggie Banker the autonomy to decide whether a dog goes to a

rescue for some of the breeds that may be put down at Columbia Greene. Supervisor Houghtling stated she will work on drafting that and sending it to the attorney for any edits. That will be on the December agenda.

Supervisor Houghtling stated allowing a titer for the rabies instead of the rabies vaccine is not allowed by New York State law. NYS law says that if a dog medically can't handle a rabies vaccine with a note from the vet, they can be exempt, our code already says that. Everything else is address in the proposed law.

Councilmember Newton asked what is involved in changing dog control officer to animal control officer?

Supervisor Houghtling stated that she believes to be an animal control officer you have to be a peace officer, which is a bit of a process. Supervisor Houghtling stated that she would be open to that if Maggie Banker wanted to go through that certification. She will look into this and report back in December.

Supervisor Houghtling stated we will have a Public Hearing on the proposed dog law on December 8th, 2020 at 6:55pm.

Supervisor Houghtling made a motion to introduce Proposed Local Law #4 of 2020, a Local Law to amend Chapter 71 of the Code of the Town of New Lebanon. The motion was seconded by Councilmember Newton.

Roll Call Vote:

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

See Proposed Local Law #4 of 2020 under dog law introduction.

Supervisor Houghtling added that they had talked about a three-tier seizure fee, they don't want to call it an impoundment fee because that is already in there for actually holding the dog. A seizure fee is what they already discussed that Maggie Banker recommended, which is even if she picks the dog up at their neighbor's house and then returns it right away, that there is some sore of disincentive for them not to do it again. The last time they had mentioned \$20 for the first time it happens, \$30 for the second and the third and subsequent times it happens they would pay \$50. How does the board feel about this she asked?

The Town Board agreed.

HVAC:

Supervisor Houghtling stated that she looked at the minutes from March of 2020 and it says

that Councilmember Newton has two quotes for HVAC and is waiting for a third. Supervisor Houghtling stated that she wasn't sure that they have to go out to bid for this service. She thinks our Procurement Policy states we only need two bids because it's a under \$10,000 a year spent.

Supervisor Houghtling stated that Councilmember Newton will do an RFP and get written quotes from a least two contractors for the December meeting.

COMMITTEE/LIAISON REPORTS:

Assessor (Councilmember Rasmussen):

Councilmember Rasmussen stated no news to report.

Building Department (Councilmember Newton):

Councilmember Newton stated no report.

Business & Economic Development (Councilmember Gordon):

Monte Wasch stated that the BEDC had a meeting on November 2, 2020 and they discussed the current situation. A few longstanding businesses are closing. We all say a few prayers for Bud Godfroy and his health. There are also some new businesses coming in, a thrift shop and a new jewelry store. The Business Directory went out and has been well received by people, great job. No news to report on infrastructure, hoping to set up some discussion with other towns on that. The Hess station has not moved forward, they still haven't been able to establish a contact with them. They are continuing to participate in food distribution, they have distributed over 20,000 pounds of food every other week. As he understands it, the Town Board is going to provide the BEDC some resources for next year for mailings and assistance in logo designs and the design competition for mid-town. Their next meeting in December is going to be a brainstorming session to go back over what they set as goals back in January before COVID and to take a look at those priorities that were set back then and plan what they are going to do for 2021. He encourages all members of the board and of the public to participate in that meeting which will be held on December 7, 2020 at 6:30pm. They will be meeting at the town hall with limited personal attendance and will also be on google meets.

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

Bruce Shenker, Environmental Management stated that the County is adopting a Climate Smart Communities pledge so that the town can work collaboratively together. The County can start taking advantage of some of the money savings like street light and updating their energy usage. Bruce also stated that on a county level the County Government Committee passed the Climate Smart Communities Resolution and it is on the County Board of Supervisors agenda for tonight, hopefully being passed as we speak.

Steve Powers, CSC Chair stated that the CSC thanks the board for approval of the two proposals we put forth today. As an update, we are very busy on many fronts. The CSC

Facebook group has over 70 members and the town Facebook group has over 350 members. We encourage everyone to join both and ask their friends to join so they can stay updated. We have a social media subcommittee to prepare content for the posts on the CSC group.

We have been participating in every Farmer's Market where we have had great conversations with residents about composting and the bike program which is going strong. Marc and Moy Wong are refurbishing 3 bikes/week and donating them to New Lebanon families. We met with the Abode admin who offered to donate barn space for all the bikes so they don't rust over the winter. As Tistrya mentioned, our members have also taken over the Free Store and are bringing donated coats on a rack in front of Dollar General daily. We are collecting donations at the CSC table at the Farmers Market and there will be an event on Nov 22 at the Lebanon Valley Fire Department.

Now that the Town Board has approved the community solar resolution, we will be vetting companies through our solar subcommittee so we can refer NL residents to them for savings on their electric bills.

We've also set up a Climate Change education subcommittee which will gain us points toward our Bronze goal. That's it for me. Thanks for your time.

David Farren, CAC Chair stated that the CAC met last night and they discussed their goals for 2021, some of what they would like to do they probably won't be able to achieve due to tighter budgets than they would like. They formed a sub-committee for Trees for Tributaries Program, the Town Board gratified the towns interest in that program. Last month the application for Trees for Tribs for spring planting at Shatford Park is done in early March. The sub-committee will make sure that application is in on time and will look for community support in the program.

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

Councilmember Newton stated it was a pretty easy budget season.

Highway (Superintendent Winestock & Councilmembers Newton):

Councilmember Newton stated that he talked about it at the last meeting, there was a bad wind storm, a lot of trees down the highway department took care of it post haste.

Supervisor Houghtling thanked the highway department for all of their great work cleaning up after the storms.

Historian & LVHS: (Councilmembers Trainor):

Councilmember Trainor stated that no programs from the LVHS until they get a chance to move back in. People are doing research and he encourages people to go onto the LVHS's Facebook page. Matt Carr a member of the board is doing a great job with his metal detector looking for and finding relics from the past. The collections committee with Shelley and Jeannine is working very hard.

Supervisor Houghtling added that the Lafayette Trail Marker came in and Donnie, Tim and Jesse are going to work on getting it installed.

Justice Court/Constable (Councilmember Trainor):

Councilmember Trainor stated that not much to report, the court is functioning.

Library (Councilmember Trainor):

Councilmember Trainor stated that Moriah is continuing with the program that she started with dramatic reading of scripts. The first one went pretty well. The bulletin board had all of the programs going on at the library.

Buildings, Parks & Recreation (Councilmembers Newton):

Councilmember Newton stated not much to report, they just got the new liner for the ice skate rink and is going to go in as soon as it gets cold enough.

Seniors (Councilmember Gordon):

Supervisor Houghtling stated that the seniors are laying low as far as she can tell.

Supervisor Houghtling stated that the seniors are looking to get a list of all of the seniors in our community with their contact information so that they can do regular check ins or keep them up to date with food giveaways, etc. If you are a senior in our community, either check the Newsletter for how to contact them to get on their list and what your needs are or contact the Town Clerk or Town Supervisor and we will get in contact for you.

Volunteers (Councilmember Rasmussen):

Councilmember Rasmussen stated nothing to report at this time.

Project Management (Councilmember Rasmussen):

Councilmember Rasmussen stated Nothing to report at this time.

Supervisor Houghtling, she wanted to give a County update with regard to COVID, the Town Clerk send them out via email regularly when they come to us. She wanted to acknowledge that the cases are surging in Columbia County. She is hoping that we don't go into another lockdown, a lot of our businesses will not be able to survive that. She is asking that everyone please do your part, wear your mask, social distance, stay home when possible it may make a difference of locking down again or not.

ANNOUNCEMENTS:

December:

Tuesday, December 8, 2020 at 6:55 pm – Public Hearing on Proposed Local Law #4 of 2020

Tuesday, December 8, 2020 at 7:00 pm – Regular Monthly Meeting

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

January:

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

David Farren, Chair of CAC stated that the NYS Department of Health is going to come to town and do well testing for private landowners and they are hoping that they can point them to areas of town where they might have the greatest concern and they are hoping that it will be done before the end of the year. This is an opportunity that should be seized and they will know more on Thursday, they are having a conference call with the Department of Health.

Supervisor Houghtling stated that if either her as Town Supervisor or one of our CAC members or the NYS Dept. of Health reached out to you as one of the properties that they thought was good to test it is a free water test and she encourages them to take advantage of it.

Supervisor Houghtling made a motion to take a recess to obtain legal counsel for the Town Board. The motion was seconded by Councilmember Newton.

Roll Call Vote:

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

Supervisor Houghtling made a motion to re-open the public meeting at 9:23pm.

ADJOURNMENT:

A motion was made by Supervisor Houghtling and seconded by Councilmember Rasmussen to adjourn the meeting at 9:23 pm.

Respectfully submitted,

Marcie Robertson
New Lebanon Town Clerk

Addendum A

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

Local Law Filing

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

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

County City Town Village
(select one:)

of New Lebanon

Local Law No. 3 of the year 2020

**A LOCAL LAW TO UPDATE AND AMEND CHAPTER 102, CHAPTER 179 AND
CHAPTER 205 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.)

Lebanon, to permit the continuation of agriculture practices and the business of farming and to encourage the initiation and expansion of farms and agricultural businesses. In recognition of the fact that there are many practices and activities which are inherent to and necessary for the business of farming, it is the specific purpose and intent of this article to attain the aforementioned goals and objectives by providing that such practices and activities may proceed and be undertaken free of unreasonable and unwarranted interference or restrictions.

- C. The Town Board, in an effort to promote and foster a harmonious relationship between the residents of the Town of New Lebanon, and to conserve, protect and encourage the development and improvement of agriculture land for the production of food and other products, hereby declares that it shall be the policy of the Town of New Lebanon to provide reasonable notice to prospective landowners that farming activities may occur on neighboring lands.

§ 102-2 Definitions.

- A. Except as provided in Paragraph B, below, words or phrases used in this article shall be interpreted so as to give them the meaning they have in common usage and to give this article its most reasonable and effective application.
- B. Terms used in this article shall have the meanings set forth in Section 301 of the New York State Agriculture & Markets Law, except as may be specifically defined below:

AGRICULTURAL LAND – Any single or multiple, contiguous or noncontiguous parcel or parcels that together represent all that real property within the boundaries of the Town of New Lebanon currently used for agriculture farm operations or upon which agriculture practices are being utilized or upon which agriculture farm operations or agriculture practices may in the future be established or utilized.

§ 102-3 Right to farm.

Farmers, as well as those employed or otherwise authorized to act on behalf of farmers, may lawfully engage in farm operations within the Town of New

§ 102-7 Required notice.

A. Agricultural data statement. As prescribed in New York State Agriculture and Markets Law Article 25-AA, § 305-b, the following requirements for agricultural data statements shall apply:

- (1) Submission, evaluation. Any application for a special use permit, site plan approval, use variance, or subdivision approval that would occur on property within an agricultural district containing a farm operation or on property with boundaries within five hundred feet of a farm operation located in an agricultural district, shall include an agricultural data statement. The board reviewing such application shall evaluate and consider the agricultural data statement in its review of the possible impacts of the proposed project upon the functioning of farm operations within such agricultural district.
- (2) Notice provision. Upon the receipt of such application by the appropriate board, the clerk of such board shall mail written notice of such application to the owners of land as identified by the applicant in the agricultural data statement. The notice shall include a description of the proposed project and its location and may be sent in conjunction with any other notice required by law. The cost of mailing the notice shall be borne by the applicant.
- (3) Content. An agricultural data statement shall include the following information: the name and address of the applicant; a description of the proposed project and its location; the name and address of any owner of land within the agricultural district, which land contains farm operations and is located within five hundred feet of the boundary of the property upon which the project is proposed; and a tax map or other map showing the site of the proposed project relative to the location of farm operations identified in the agricultural data statement.
- (4) Related requirements. In addition to the foregoing, the requirements for any such applications set forth in Chapter 179 and Chapter 205 shall also apply.

Enforcement Officer whenever the name, telephone number, or email address of such contact person changes, and not less than annually.

C. Subparagraph 12 of Paragraph A of Section 205-9, entitled “Off street parking and loading”, is hereby amended to read in its entirety as follows:

(12) Guide to off-street parking.

Guide to Off-Street Parking

Use	Spaces
Dwellings	1 space for each dwelling unit
Boardinghouse, tourist home, motel, hotel, short term rental	1 space for each guest room
Administrative, professional nonprofit, governmental	1 space for each 200 square feet of floor space
Funeral home	10 spaces, plus space for all employee and resident personal cars
Church or temple	1 space for each 5 seating spaces in the main assembly room
School: elementary, junior high	1 space for each teacher or employee
School: senior high	1 space for each classroom or office and 1 space for each 10 students
Theater or other place of assembly	1 space for each 5 seating spaces
Nursing or convalescent home	1 space for each 4 beds
Retail store or bank	1 space for each 50 square feet of floor space devoted to customer use
Clubs and restaurants	1 space for each 4 seating spaces
Bowling alley	5 spaces for each alley
Industrial or manufacturing	1 space for each 2 employees on the maximum working shift
Skating rink or dance hall	1 space for each 100 square feet of floor space
Automobile racing facility	1 space for each 3 seating spaces
Barbershop or beauty parlor	1 space per chair
Cleaner or tailor	2 spaces for establishment plus space for all employees
Professional offices	Adequate spaces for customers/personnel
All other uses	Same as for professional office

H. Paragraph D of Section 205-14, entitled “Site plan review”, is hereby amended to read in its entirety as follows:

D. Applicability of review requirements. The Use Table sets forth those land use activities that require site plan review and approval before being undertaken. Any person uncertain of the applicability of this chapter to a given land use activity may apply to the Zoning Enforcement Officer for such determination. Applicants who disagree with the determination of the Zoning Enforcement Officer may apply for review by the Planning Board for a jurisdictional determination. The Zoning Enforcement Officer is authorized to grant a waiver for the sketch plan information requirements set forth herein where he or she determines that such information is not relevant to, or is not otherwise likely to be required by the Planning Board to conduct its sketch plan review.

I. Subparagraph (1) of Paragraph E of Section 205-14, entitled “Site plan review”, is hereby amended to read in its entirety as follows:

(1) Sketch plan. A sketch plan conference shall be held between the Planning Board and the applicant prior to the preparation and submission of the application. The intent of such a conference is to enable the applicant to inform the Planning Board of the applicant’s proposal prior to the preparation of a detailed site plan and for the Planning Board to review the basic site design concept, advise the applicant as to potential problems and concerns and generally determine the information to be required on the site plan application. In order to accomplish these objectives, the applicant shall provide the following for a sketch plan, except to the extent that, pursuant to paragraph D of this Section, the Zoning Enforcement Officer determines that such information is not relevant or is otherwise not likely to be required for the Planning Board’s sketch plan review:

(a) A statement describing the project, giving evidence of compatibility with the Town of New Lebanon Comprehensive Plan and a time period for completion of the project;

(b) A rough sketch showing the locations and dimensions of principal and accessory structures, parking areas, access signs (with descriptions), existing and proposed vegetation, and other planned features; anticipated changes in the existing topography and natural

requirement that site plan approval be obtained, and that if established currently would be subject to site plan review pursuant to this chapter, the Zoning Enforcement Officer is authorized, upon the property owner's consent, to compile, or to cause to be compiled, an abbreviated site plan (inventory). Such abbreviated site plan (inventory) shall consist of a drawing that depicts the structures located on the property, parking and lighting and other relevant features. The Zoning Enforcement Officer shall maintain such abbreviated site plans (inventories) for use by the Planning Board in any future site plan review(s) that may be applicable to the property. The Zoning Enforcement Officer shall notify, and if requested, provide a copy of a submitted abbreviated site plan (inventory) to the Planning Board immediately upon its completion.

N. Subparagraph 13 of Paragraph B of Section 205-17, entitled "Signs and posters", shall be amended to read in its entirety as follows:

(13) Business Signs in a General Commercial, Commercial-Residential, Commercial-Recreational, or Commercial-Industrial Districts. In the General Commercial, Commercial-Residential, Commercial-Recreational, or Commercial-Industrial zoning districts, any legally established business use not constituting a home occupation, a home-based business, a short term rental, a boardinghouse, or a business located within a multi-business complex, shopping center, or mall, shall be permitted to have the following signs, in addition to those permitted by Section 205-17 (B) (11):

(a) One freestanding sign not exceeding twenty-four (24) square feet.

(b) One wall sign not exceeding the greater of (i) twenty-four (24) square feet, or (2) ½ square foot per linear foot of building frontage, but in no event larger than one hundred (100) square feet.

(c) One sandwich board sign not exceeding eight (8) square feet of surface area on each side, provided that such sandwich board sign is removed daily.

O. Paragraph J of Section 205-17, entitled "Signs and posters", shall be amended to read in its entirety as follows:

J. Sign Schedule. The following sign Schedule shall be read in conjunction with the rules and regulations set forth in this chapter:

Use	Zoning District	Maximum Size	Number Permitted	Comments
Multi-Business complexes, shopping centers, malls, etc.	Applicable zones	Freestanding: 24 square feet, plus 10 square feet for each individual business space therein, provided that total surface area of sign shall not exceed 75 square feet	1	Height of individual freestanding signs shall not exceed 30 feet.
		Attached to each business in shopping center: 24 square feet	1	
Real Estate Signs	All	6 square feet	1	Must be located on the property offered for sale or lease; must be located not closer than 6 feet from edge of any roadway.

P. Paragraph C of Section 205-20, entitled “Definitions”, is hereby amended to amend the following definitions of terms to read in their entirety as follows:

AGRICULTURAL DATA STATEMENT – See definition for “agricultural data statement” in New York Agriculture & Markets Law § 301.

AGRICULTURAL OPERATION – A farm operation, as defined in New York State Agriculture & Markets Law § 301.

AGRITOURISM – Activities conducted on a farm and offered to the public, or to invited groups, for the sale of agricultural products, education, recreation or active involvement in the farm operation. An agritourism activity shall be secondary to the primary farm use. Agritourism activities may be conducted in an accessory building or structure and include, but are not limited to, on-farm short term rentals, farm stay programs, u-pick operations, pumpkin patches and on-farm wineries, breweries, cideries, and distilleries.

SECTION 5

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 6

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

SECTION 7

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

NEW LEBANON CODE

- E. No highway, road or street within the Town of New Lebanon hereafter constructed or improved will be considered for acceptance by the Town Board of the Town of New Lebanon as a town highway or for maintenance with town funds until twelve (12) months have elapsed since the completion thereof as certified by the Town Engineer and unless the construction is in accordance with the standards and specifications contained herein. Any road dedicated to the town must be in a state of repair acceptable to the Town Engineer at the time of its dedication and acceptance by the town. The applicant shall be responsible for all repairs, maintenance and snow removal and assume all liability for the road until such time as the road is accepted.
- F. Construction of a road in accordance with these specifications shall not obligate the Town of New Lebanon to accept such road as a public road in the absence of formal dedication and acceptance of the same by the Town Board.

Section 2. Clearing of trees and brush.

- A. All trees shall be cleared at a minimum distance of eight (8) feet on each side of the proposed roadway and all brush shall be removed throughout the required right-of-way. On curves, an additional amount shall be cleared wherever necessary to maintain a minimum visibility of two hundred (200) feet at the road edge along the inside of the curve. The Town Engineer may waive the clearing of certain trees within the right-of-way.
- B. All wood, stumps and brush shall be chipped and thinly spread on site as mulch or removed from the site and disposed of in a legal manner. No burning on site will be allowed unless this requirement is waived and all permits have been obtained from the NYSDEC and local fire marshal having jurisdiction.

Section 3. Blasting.

No blasting for rock excavation shall take place without approval by the Town Engineer. All necessary permits and licenses for blasting shall be obtained. A proposed plan of blasting procedures shall be submitted for approval which shall include provisions for seismographic monitoring of adjacent structures.

Section 4. Rough grading.

- A. All topsoil shall be stripped from the bed of the proposed paved section, shoulder section and under the width of all fills. All stumps, loose stones, debris and brush

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- (2) Base Course: NYS DOT Type 3 gravel.
- (3) Finished Course: NYS DOT Type 4 gravel.

C. Construction methods.

- (1) Preparation of the subgrade. The subgrade shall be free of all boulders, organic material, soft clay, spongy material and other objectionable material. Unsuitable materials shall be removed and replaced with select fill. In special circumstances other methods may be approved by the Engineer to provide a suitable embankment foundation. The subgrade shall then be properly shaped, rolled and uniformly compacted to the approved cross section and grade.
- (2) Geotextile fabric shall be placed on top of finished subgrade in accordance with Section 207, Geotextile, of the New York State Department of Transportation Standard Specification Manual (current edition).
- (3) All sub-base course material shall be deposited and spread by means of spreader boxes or approved mechanical equipment or from moving vehicles equipped to distribute the gravel or crushed stone in a uniform layer. Each lift shall not be greater than six (6) inches in thickness after compaction.
- (4) The sub-base course shall be compacted to 95% of the Standard Proctor Maximum Density (ASTM 698). Immediately following the spreading of the gravel or course aggregate, all material placed shall be compacted to the full width by rolling with a minimum ten (10) ton vibrating roller. At all places not accessible to the roller, the sub-base course material shall be tamped thoroughly with mechanical tampers or with hand tampers.
- (5) Other compaction methods may be used, provided that the specified density can be achieved. All culverts within the road area must be completed and proper drainage provided before any sub-base aggregate is placed upon the subgrade.
- (6) Seasonal limits. No sub-base course material shall be deposited or shaped when the subgrade is frozen, thawing, or during unfavorable weather conditions
- (7) Protection of sub-base course. After completion of sub-base course, as specified above, no traffic shall be allowed over its surface other than that absolutely necessary to haul material for the surface course.

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- [2] Apply base course and top course with self propelled paver and compact with a roller as described in NYSDOT Section 401-3.
- [3] The complete pavement shall be tested with a 16-foot straight edge laid parallel with the center line of the road and any area exceeding 1/4 inch variation from the surrounding area shall be corrected or replaced.

Section 7. Shoulders.

Shoulders shall be of compacted gravel or crushed stone, not less than four (4) feet in width. Shoulders shall be a slope of 5/8 of an inch per one (1) foot.

Section 8. Drainage.

- A. The center of all ditches with a 5% to 10% grade shall have a nine and one-half (9-1/2) foot setback from the edge of the shoulder of the road to allow for a three (3) foot "V" on each side of the center of the ditch. The "V" is to be filled with a minimum of six (6) inches of gabion stone to prevent erosion. Provide runoffs from ditches every 400 feet. On a ten-percent (10%) grade, road ditches shall have a water runoff a minimum of every one hundred (100) feet to ensure proper drainage from the ditches. The use of check dams shall be considered for placement in road ditches and stream channels where diversion of water is restricted. See Diagrams 1, 2, and 3, Typical Road Sections, for ditch details.¹
- B. All culverts shall be designed to handle a storm of 25 years frequency. Culvert pipes shall be of approved aluminum, galvanized metal or copper steel and not less than fifteen (15) inches in diameter. Pipes shall be installed in a straight line and at a uniform rate of grade between points to match grade and direction of drainage swales. Any changes in grade or direction may require the placement of a catch basin which will be determined by the Town Engineer. All culvert headwalls shall be concrete or gabion baskets filled with gabion stone. No culvert head walls shall extend above the shoulder of the road. Metal flared culvert end sections may be installed in lieu of headwalls at the discretion of the Town Engineer. A cross section view of each culvert crossing under all proposed subdivision roads shall be included in the final plans. (See Diagram No. 6, Typical Culvert Pipe Section.²)

¹ Editor's Note: Diagram Nos. 1, 2 and 3 are included at the end of this chapter.

² Editor's Note: Diagram No. 6 is included at the end of this chapter.

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Section 11. Monuments.

Reinforced concrete or granite markers, at least four (4) inches square on top and four and one-half (4 1/2) feet long must be set at all changes in direction of rights-of-way, including points of tangent of curves and points of tangent at corners and at the intersection of lot lines with rights-of-way (one per lot minimum). Monuments shall also be placed every five hundred (500) feet on tangents and every one hundred (100) feet on curves.

Section 12. Guide railing.

- A. Guide rails shall be installed in all sections of road with embankments greater than 8 feet high, and along sections of road adjacent to bodies of water which are greater than 2 feet deep.
- B. Materials and construction details for guide railing shall be in accordance with NYSDOT Specifications Section 606, Guide Railing.

Section 13. Driveways.

- A. Suitable access to all buildings by emergency vehicles is required by the NYS Building Code.
- B. A driveway permit is required for driveways intersecting any town, county or state road. Town driveway permits shall be obtained from the Zoning Enforcement Officer, after written approval by the Town Highway Superintendent.
- C. The minimum driveway width shall be 12 feet and of suitable alignment to allow for access by emergency vehicles. Driveways shall be connected with a minimum of 6 inches of R.O.B. gravel and crowned in the middle.
- D. Driveways shall intersect roads at approximately a 90-degree angle but in no case less than 70 degrees. The intersection of the road and driveway shall be connected with a minimum radius of 20 feet and the first 50 feet from the edge of shoulder shall not be steeper than 3%. The driveway grade shall not exceed 10%. Lengths of drive at 10% grade shall be interrupted by flatter slopes every 500 feet.
- E. Adequate ditches and culverts shall be provided to accommodate drainage. Where driveways cross road ditches, an approved culvert not less than 15 inches in diameter shall be provided. The driveway shall not increase runoff onto the existing road unless approved by the Town Engineer.

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have been constructed true to line and grade and that the drainage system has been constructed in accordance with the road construction plans.

- D. As-built plans shall be submitted to the Town Engineer upon completion showing the alignment and grades of the road as constructed, all changes from the original plans and the location of all utilities in the ROW.

Section 16. Completion.

Approved road name signs shall be installed when the road has been completed. Mailboxes shall be in a cluster set back eight (8) feet from the traveled way of the road in a thirty (30) foot pulloff. The mailbox pull off shall be topped with the same material used on the traveled way of the road and the ditch line shall be set back four (4) feet from the edge of the pulloff or the water may be piped under the pulloff with approved culverts. Any additional right-of-way necessary for the construction of mailbox clusters shall be provided by the developer and shown on the subdivision plans. (See Diagram No. 7, Mailbox Cluster Detail.³)

³ Editor's Note: Diagram No. 7 is included at the end of this chapter.

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	Residential-Agricultural/Conservation RA-5	Residential-Agricultural 2 RA-2	Residential-Agricultural 1 RA-1	General Commercial C	Commercial-Recreational C-Rec	Commercial-Industrial C-I	Commercial-Residential C-R
General Uses							
Agritourism use	P	P	P	P	P		P
Any Town use	P	P	P	P	P	P	P
Boarding kennel	SP	SP					
Breeding kennel	P	P					
Bus station				P/SPR			P/SPR
Campground/ seasonal camp	SP/SPR				SP/SPR		
Cemetery	SP	SP	SP				
Customary accessory use	P	P	P	P	P	SP	P
Day care (in-home)	SP	SP	SP	SP			SP
Day-care center (not as part of another business or office use)	SP/SPR	SP/SPR	SP/SPR	SP/SPR			SP/SPR
Farm/agriculture	P	P	P	P	P		P
Fire/emergency response station		SP/SPR	SP/SPR	SP/SPR	SP/SPR	SP/SPR	SP/SPR
Garage, porch or yard sale	P	P	P	P	P		P
Historic preservation	P	P	P	P	P	P	P
Home-based business	SP/SPR	SP/SPR	SP/SPR	SP/SPR		SP/SPR	SP/SPR
Home occupation 1	P	P	P	P		P	P
Home occupation 2	SP	SP	SP	SP		SP	SP
Home occupation 3	SP/SPR	SP/SPR	SP/SPR	SP/SPR		SP/SPR	SP/SPR
Horse Boarding Operation	SP/SPR	SP/SPR	SP/SPR				SP/SPR
Hospital		SP/SPR	SP/SPR	SP/SPR			
Museum/library	SP/SPR	SP/SPR	SP/SPR	SP/SPR	SP/SPR	SP/SPR	SP/SPR
Nursing home		SP/SPR	SP/SPR	SP/SPR			SP/SPR
Place of worship	P/SPR	SP/SPR	SP/SPR	SP/SPR			SP/SPR
Private school		SP/SPR	SP/SPR				SP/SPR
Professional office		SP/SPR	SP/SPR	P/SPR	P/SPR	P/SPR	SP/SPR

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	Residential- Agricultural/ Conservation RA-5	Residential- Agricultural 2 RA-2	Residential- Agricultural 1 RA-1	General Commercial C	Commercial- Recreational C-Rec	Commercial- Industrial C-I	Commercial- Residential C-R
Business Uses							
Adult use						SP/SPR	
Auction sale, excluding livestock auction				SP/SPR			
Automobile racing facility					SP/SPR		
Bank				P/SPR	P/SPR	SP/SPR	P/SPR
Bar				SP/SPR	SP/SPR		SP/SPR
Bowling alley				P/SPR	P/SPR		P/SPR
Car wash				SP/SPR	SP/SPR		SP/SPR
Commercial excavation	SP/SPR						
Commercial				SP/SPR		SP/SPR	SP/SPR
Trades Operation							
Convenience store				P/SPR	SP/SPR		P/SPR
Dance hall				P/SPR	P/SPR		
Farm market		SP/SPR	SP/SPR	P/SPR	P/SPR		P/SPR
Farm stand	P	P	P	P	P		P
Flea market				SP/SPR	SP/SPR		
Greenhouse	P	P/SPR	P/SPR	P/SPR		P/SPR	P/SPR
Hotel				SP/SPR	SP/SPR		SP/SPR
Laundromat				SP/SPR			SP/SPR
Miniature golf and driving range				P/SPR	P/SPR		P/SPR
Mortuary and funeral parlor				P/SPR			P/SPR
Motel				SP/SPR	SP/SPR		SP/SPR
Motor vehicle fueling station				SP/SPR	SP/SPR		SP/SPR
Motor vehicle repair and service				SP/SPR	SP/SPR		SP/SPR
Motor vehicle sales				SP/SPR	SP/SPR		SP/SPR

(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. 3 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.