

**MINUTES OF THE REGULAR MONTHLY MEETING OF
THE TOWN BOARD OF THE TOWN OF NEW LEBANON
HELD ON JULY 13, 2021**

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

Recording Secretary: Marsha “Marcie” Robertson, Town Clerk

Others Present: Steve Powers, CAC Member & CSC Chair
Bruce Shenker, NL Rep to CC Enviro Mgmt & CSC member
Marc Anthonisen, CSC Advisor
Sharon Powers, BEDC
Peg Munves, CAC & CSC & BEDC Member
Mary Young, NL Rep to CC Office for the Aging
Brian Buzby, Speaker Community Solar of Ampion
Members of the Public

CALL TO ORDER:

The meeting was called to order at 7:00pm by Supervisor Houghtling.

Kevin Smith announced that Leonard “Rocky” Brown passed away over the weekend and a moment of silence was held in remembrance of “Rocky” Brown. Kevin Smith said a few words in memory of Rocky, he served in the Navy, was a great community member, mentor, father, husband, grandfather, great grandfather and someone that loved our community very much and he will be missed by many and he wanted to honor him at tonight’s meeting. Kevin Smith announced the funeral services for Rocky.

The moment of silence was followed by the flag salute. The meeting was held in person at the New Lebanon Town Hall, 14755 State Route 22, New Lebanon, NY 12125 and live streamed for the public at:

https://townhallstreams.com/towns/new_lebanon_ny

MINUTES:

The minutes of the **June 8th, 2021 Special Meeting and the June 8th, 2021 Regular Meeting** were reviewed. A motion was made by Supervisor Houghtling, seconded by Councilmember Newton and approved unanimously 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 June 30, 2021 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 Trainor to accept the Supervisor's report as typed. The motion was seconded by Councilmember Newton.

Roll Call Vote:

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

CERTIFICATE OF APPRECIATION:

Supervisor Houghtling presented a Certification of Appreciation to Marc Anthonisen who came to New Lebanon in early 2020, he brought a passion for wanting to help the community and his specialty that he brought with him from being a Cornell Grad Student in specifically Climate Smart Communities having to do with rural communities. With Marc's help and hard work, New Lebanon achieved bronze status in a short eight months, the first town in Columbia County to achieve bronze status and we are on our way to silver, thanks to a lengthy report that Marc prepared for the town on how to get there. Marc also connected New Lebanon with Cornell University through an apprenticeship program, where they had a presentation about a month ago by a few Cornell Grad Students that did a study on potential hazards that New Lebanon might be facing due to climate change. Marc with the help of Moy Wong has helped repair and provide over one hundred bikes for community members here in New Lebanon, free of charge and providing free tune-ups for resident's bikes. Supervisor Houghtling thanked Marc for all that he has done and commented that he will be sorely missed here in New Lebanon.

Steve Powers, CSC Chair thanked Marc for everything that he has done and presented him with a few gifts of appreciation.

PRIVILEGE OF THE FLOOR:

JJ Smith- JJ commented that she just wanted to follow-up on what Kevin had said that Rocky was not only an awesome guy, he was an awesome soldier and he was awesome at everything he did. He didn't care what party he was; everybody was the same to him, he was a terrible loss to this town. We've lost a lot of our greatest generation recently and sadly we're being replaced by Socialism and Marxism; it is very sad to look around and see that. JJ commented to Supervisor Houghtling that she hopes that she personally will think back to the disrespect that she treated that man with and the way she betrayed him and the things she did to him and many other senior citizens that have lived here all their lives. JJ really hopes she thinks about it and reflects on that and searches her heart because she has divided this town more than any supervisor they have ever had. It's very sad. JJ stated that they are going to go home to make you all happy and let you resume your liberal love fest.

Supervisor Houghtling commented that for the record, Marcie was in the office when Rocky made the request of her that she followed to the tee and then he thought he had asked her to do something very different from what he had asked her. It was very sad that Rocky did not.

JJ interrupted and said that she will go back to both of their records and guess who she will believe.

Supervisor Houghtling replied back that she is absolutely entitled to her opinion.

JJ responded absolutely.

Supervisor Houghtling replied back have fun with that.

Bob Smith commented you better have fun with that lady.

PRESENTATION – COMMUNITY SOLAR BY BRIAN BUZBY OF AMPION:

Brian Buzby of Ampion stated that they have been working with the town now for some time on Community Solar and the Climate Smart Task Force has been a big part of this. Ampion has been doing their part to help connect New Lebanon to the various incentives that are available through New York State and NYSERDA and the grants available. Ampion has been working on a brand-new program for the

State of New York, they have a petition into the PSC (Public Service Commission) to take a look at allowing Ampion to implement this program. It is a way to take an entire community and provide the benefits of Community Solar to an entire community on an opt-out basis. As it stands right now, New Lebanon has a partnership with Ampion whereby community members can go ahead and learn about their Community Solar program and decide to opt-in if they are interested. This other, new program would be an opportunity for the town itself to take agency for the residents to enroll everyone in Community Solar. Brian stated that the town should take this very seriously, anytime they are taking agency for residents, that is why he is coming to the Town Board with a very **soft** ask that the Town Board agree to look into this.

Currently the only way to do Community Solar via this opt-out mechanism is to couple it with the retail energy supply. So, you do the retail energy supply, you add the Community Solar on top and hope residents save money. Ampion is asking the PSC to decouple the two, so they can offer Community Solar on an opt-out basis where there is a guaranteed savings associated with Community Solar.

Brian stated that their ask of the Town Board is would they allow Ampion to pursue this program on behalf of the town with no obligation on the town. If the board is interested, the best kind of comment that they could present to the PSC would be a town asking to be allowed to pursue this program.

Supervisor Houghtling stated that she was one of the ones that was opposed before and she had a few points to comment on that were very important to her. She commented that if someone has actively chosen their provider, they do not automatically get opted in. Community Solar at first had this autopay credit/debit card thing that was prohibitive for a lot of people, that is no longer. To summate, it will take anyone who has a NYSEG bill that has not taken any active steps to do anything other than what NYSEG handed them as their provider, it will put them into Community Solar and save them up to 10%, guaranteed savings. They will not pay more; they will pay less. They can opt-out; nothing will change on their billing.

Brian responded that Supervisor Houghtling's points of clarification are correct.

The Town Board and Brian Buzby continued their discussion with questions, answers and clarification.

Steve Powers, CSC Chair stated that the CSC had a presentation from Brian Buzby of Ampion this week and the CSC made a motion and approved unanimously by the CSC that *"The CSC approves the exploration of a CDG (Community Distributed*

Generation) Community Solar Opt-Out program by Ampion Renewable Energy for the Town of New Lebanon". Steve said that he thinks that is what Brian is asking the Town Board to consider as well.

The Town Board and Brian held more discussion on the details of this proposed program. New Lebanon would be the second town to do this if approved by the Town Board.

A motion was made by Supervisor Houghtling that the Town of New Lebanon reach out to the PSC and requests that the CDG (Community Distributed Generation) only opt-out be an option for municipalities in New York State. This motion was seconded by Councilmember Gordon.

Roll Call Vote:

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

BUDGET AMENDMENT #6 OF 2021:

Supervisor Houghtling stated that we had a donation come in for the community picnic being moved over to the Recreation Commission. Supervisor Houghtling stated that she needs a new phone, and needs to transfer \$50.00 from her .4 to her .2 account. Highway needs more money in his general accounts and you cannot move money from highway to general accounts. Supervisor Houghtling stated that they need to take some from contingency and some from his other general account with the understanding that the money they are taking from the A-5132.4 might make that account short. Highway Superintendent Winestock will do his best not to spend all of what is left in that account.

At the May meeting they brought all of the CHIP’S funding in because the town received a lot more than they thought they would get for this year, but there are actually rollover funds from the prior year that we have received from the state, which is another \$31,193.00 in CHIPS funding all together.

General Fund:

\$ 150.00	from A-2705 (Donations – For Community Picnic)
\$ 50.00	from A-1220.4 (Supervisor – Cont. Expense)
\$ 335.00	from A-5132.4 (Garage – Cont. Expense)
\$ 500.00	from A-1990.4 (Contingency)
\$ 150.00	to A-7020.4 (Recreation Commission – Cont. Expense)

\$ 50.00 to A-1220.2 (Supervisor - Equipment)
\$ 835.00 to A-5010.4 (Super. Of Hwys – Cont. Exp.)

Highway Fund:

\$ 31,193.00 from DA-3501 (State Aid - CHIPS)
\$ 5,418.00 to DA-5112.2c (CHIPS - Reimbursable)
\$ 24,734.00 to DA-5112.21 (CHIPS – PAVE NY)
\$ 1,043.00 to DA-5112.22 (CHIPS – Extreme Winter Recovery)

A motion was made by Supervisor Houghtling 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 Trainor -	Aye
Councilmember Newton-	Aye

AUDIT OF BILLS:

Supervisor Houghtling explained that there is an increase of \$1.50 on the general bills from what was on the Town Board’s agenda, so she read it the way it needs to be approved.

2021 BILLS:

General Nos. 208, in the amount of \$50.00;
As listed on Abstract No. 6A dated July 13th, 2021.

General Nos. 209 through 261, in the amount of \$62,267.89;
Highway Nos. 69 through 79, in the amount of \$185,495.55; and
Escrow No. 10, in the amount of \$2,062.50;
As listed on Abstract No. 7 dated July 13th, 2021.

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

Roll Call Vote:

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

OLD BUSINESS:

Highway Asset Management Plan:

Councilmember Newton commented, no update to the Highway Asset Management Plan and mentioned that there is another backhoe rental because there was a failure on the old backhoe during the storm.

Cover for Highway Garage Fuel Tank:

Councilmember Newton stated that he has someone who has community service hours owed and he will be using that person to help with the fuel tank cover in a couple of weeks.

Federal Funding for Towns – Schedule Public Input Session:

Supervisor Houghtling stated that she has sent everything to rest of the board as she has received it and she doesn't personally feel ready yet to hold a public input session and would like to table this again if the rest of the board agrees. The Town Board agreed to table this.

Skatepark:

Supervisor Houghtling stated regarding the location and updated concrete bids, they didn't get to walk the park today.

Councilmember Newton reported that he did walk in the park today and currently due to all of the rain, it is not a good time, it is just so wet, maybe sometime next week. He would like to actually dig down and get a core sample of the ground and see what it looks like.

The board held more discussion regarding the possible location of the skatepark to be but nothing was decided on.

Supervisor Houghtling posed a question to the rest of the Town Board as to whether they should go out to bid for concrete so that bids can be accepted at the August meeting and make sure that they are good through the end of the year, we already have the specs from the engineer.

Councilmember Newton replied that yes, they have the slab information, what it comes down to is the subsoil work that has to be done.

Supervisor Houghtling asked if that would be the same company as the concrete provider or a separate bid?

Councilmember Newton responded that we already buy the materials needed, we just buy through the Highway Department, he was thinking they could ride on the same bid.

Supervisor Houghtling responded that they can as long as it is paid for from general funds.

Supervisor Houghtling stated that they did ask the CAC to weigh in on the materials. Her understanding is that airport mix will not work. Councilmember Newton elaborated on this.

Supervisor Houghtling stated that she did look into the best material for the slab and concrete is what needs to be used for the skatepark slab.

A motion was made by Supervisor Houghtling, seconded by Councilmember Trainor and approved unanimously EXCEPT Councilmember Gordon who abstained to go out to bid with the exact same specs that they went out to bid last year for the concrete for the skatepark with bids due on Friday, August 6th, 2021 by 4:00pm.

DCO Request for Dog Fecal Stations in Shatford Park:

Councilmember Newton said that he talked with the Park Maintenance Superintendent, Donnie Sears and he is opposed to installing fecal stations in the park, most people who are responsible enough to clean up after their dog, have their own collection bags. Councilmember Newton spoke to someone else who has a park similar to ours and they put in the dog fecal stations and they were not really used and were filled with household trash. Councilmember Newton has not been able to have a conversation with DCO Banker.

Supervisor Houghtling suggested that they take no action and after Councilmember Newton speaks with DCO Banker let her know if he would like this put back on the agenda for the next meeting.

Estimates for Highway Furnace:

Councilmember Newton reported that they still have the original quote and they are the only company that he has talked to that has the furnace in stock. He has

reached out to two other HVAC suppliers and they are unable to give an estimate due to the way the cost of goods is going. He is still working on this.

Bid for Park Fencing:

Councilmember Newton stated that it is very hard to find fencing companies that are prevailing wage and that are willing to do wood fencing like we currently have in the park due to the cost and availability of wood products. We have 1,810 ft. of fencing total, he split it up into two bids with the company that came out today and he has another company coming out this week. One bid is the length of Route 22, starting here at the Town Hall and going down past the park entrance on Route 22. The other bid is for the parking area on Route 22, the section next to the Town Hall and the section on Old Post Road.

Bid for Power to the Mower Shed in Park:

Councilmember Newton reported that he will have two quotes coming in, one company will not be available until October.

Ethics Code Changes – Introductory Local Law #2 of 2021:

Supervisor Houghtling stated that based on the recommended changes the attorney has provided the Town Board with the Introductory Local Law for review. The Town Board held discussion regarding the proposed changes to the Law. *(See 4/13/2021 TB Minutes for the specifics on the proposed changes to be made)*

A motion was made by Supervisor Houghtling to introduce Introductory Local Law #2 of 2021 and to set a Public Hearing on said proposed Local Law for August 10th, 2021 at 6:45pm. The motion was seconded by Councilmember Newton.

Roll Call Vote:

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

Annual Highway Bids Received:

Supervisor Houghtling waived the reading of the bid notices and asked that they be included in the minutes.

Sand, Stone, Gravel & Crusher Run:

NOTICE TO BIDDERS

HIGHWAY DEPARTMENT
TOWN OF NEW LEBANON
COUNTY OF COLUMBIA

NOTICE IS HEREBY GIVEN that the TOWN OF NEW LEBANON is seeking bids for supplying the following items for use by the NEW LEBANON HIGHWAY DEPARTMENT through 7/31/2022:

1. Gravel
 - A- Bank run gravel
 - B- Item #3, 1" minus
2. Sand
 - A- Screened 3/8" sand
3. Stone
 - A- Washed #1-A
 - B- Washed #1
 - C- Washed Mixed #1 & 1-A
 - D- Gabion Stone
4. Crusher Run

BIDS MUST BE SUBMITTED ON THE BID FORM PROVIDED BY THE TOWN:

A – Delivered to the Town Highway Garage in New Lebanon

B – Picked up by the highway department (MUST INCLUDE IF LOADER IS AVAILABLE)

Bids must be received in the office of the Town Clerk at the New Lebanon Town Hall, 14755 Route 22 North, New Lebanon, New York, no later than 4:00 pm on Friday, July 9, 2021. Bids will be opened at the Office of the Town Clerk at 4:00 pm on Friday, July 9, 2021 and bids will be considered by the Town Board at the Regular Monthly Meeting at the New Lebanon Town Hall at 7:00 p.m. on Tuesday, July 13, 2021. The Highway Superintendent reserves the right to inspect and/or reject any materials. The Town Board reserves the right to reject any and all bids, or to accept more than one bid as determined by location and needs of the town. All bidders should present the town clerk with a valid mining permit and/or an agreement with the town, must include a "Non-Collusion Bidding Certificate," and must be submitted on the bid form provided by the town.

Jeff Winestock, Highway Superintendent, 6/8/2021

Bid Results:

Town Clerk Robertson read the following bid results received for **Sand, Stone, Gravel & Crusher Run:**

***Joy Sherman:** we received a bid for **bank run gravel** picked up for \$7.00 per cubic yard.

***Colarusso & Son, Inc.:** no bid for bank run gravel; **sand** (screened 3/8") at \$20.50 per cubic ton delivered and \$11.00 per cubic ton picked up; received a bid for **gravel** (item #3, 1" minus) at \$17.25 per ton delivered and \$8.75 per ton picked up; **stone**

(#1A washed) at \$21.00 per ton delivered and \$12.50 per ton picked up; **stone** (washed #1) at \$20.75 per ton delivered and \$12.25 per ton picked up; **stone** (#1 & #1A mixed washed) at \$21.00 per ton delivered and \$12.50 per ton picked up; **rip-rap** at \$26.75 per ton delivered and \$14.00 per ton picked up; **gabion** at \$21.00 per ton delivered and \$12.50 per ton picked up; and **crusher run** at \$18.00 per ton delivered and \$9.50 per ton picked up.

***Senter Gravel:** we received a bid for **bank run gravel** at \$12.00 per yard delivered and \$9.00 per yard picked up and for **sand** (screened 3/8") at \$16.00 per yard delivered and \$13.00 per yard picked up.

***Troy Sand & Gravel:** West Sand Lake Location; we received a bid for **bank run gravel** at \$10.00 per cubic yard delivered and \$8.25 per cubic yard picked up; **sand** (screened 3/8") -No Bid; **gravel** (item #3, 1" minus) at \$10.75 per ton delivered and \$9.25 per ton picked up; **stone** (#1A washed) -No Bid; **stone** (#1 washed) \$18.00 per ton delivered and \$12.00 per ton picked up; **stone** (#1 & #1A mixed washed) -No Bid; **rip-rap** at \$18.00 per ton delivered and \$12.00 per ton picked up; **gabion** -No Bid and **crusher run** at \$14.00 per ton delivered and \$9.25 per ton picked up.

***Troy Sand & Gravel:** New Lebanon Pit; we received a bid for **bank run gravel** at \$10.00 per cubic yard delivered and \$8.25 per cubic yard picked up; **sand** (screened 3/8") -No Bid; **gravel** (item #3, 1" minus) at \$10.75 per ton delivered and \$9.25 per ton picked up; **stone** (#1A washed) -No Bid; **stone** (#1 washed) -No Bid; **stone** (#1 & #1A mixed washed) -No Bid; **rip-rap** -No Bid; **gabion** -No Bid and **crusher run** at \$14.00 per ton delivered and \$9.00 per ton picked up.

Supervisor Houghtling stated for the record, that her husband works for a sister company of Troy Sand & Gravel so she will be recusing herself from this part of the bid and discussion.

Councilmember Newton stated that per Highway Superintendent Winestock's request, he would recommend the following bids be accepted: Joy Sherman, our local pit for bank run gravel. Colarusso & Son, Inc for crusher run primarily. He commented that they have had better luck with Colarusso, Troy Sand & Gravel will break down with a lot of weight on it, they are made out of different stone. Senter for dead sand, it is used for patch material and it is right up the road.

Councilmember Rasmussen commented that the "Best Value" of purchasing requires that they document why and what is the expected savings, and has that been done?

Councilmember Newton responded that it hasn't been done yet and the other issue is to quantify it without sending the material to either an environmental lab for testing or just by statements from the Highway Superintendent and himself, it is

hard to grade that. There are a lot of products there but we primarily use sand, crusher run, bank run and washed 1A.

Councilmember Rasmussen stated that the rules say they are supposed to buy the cheapest unless they can have a statement that says this is a better value and quantify it. He stated that if they can get Highway Superintendent Winestock to write those things down, then he thinks they'll be able to follow his recommendation because they'd be following the policy.

Councilmember Newton replied that he can pass that along to the Highway Superintendent.

The Town Board continued with further discussion regarding the difference in material pricing and the rules of the Procurement Policy.

A motion was made by Councilmember Trainor, seconded by Councilmember Gordon and approved unanimously with the EXCEPTION of Supervisor Houghtling who recused, to approve Joy Sherman's bid for bank run gravel.

Supervisor Houghtling commented that there are three products that Colarusso & Son's is the only bidder on if anyone wanted to make a motion, they could motion for the three products that there were no other bids for because Colarusso is the lowest bidder. No motion was made. No motion was made to extend the current contracts either.

Equipment for Hire:

NOTICE TO BIDDERS
HIGHWAY DEPARTMENT
TOWN OF NEW LEBANON
COUNTY OF COLUMBIA

NOTICE IS HEREBY GIVEN that the Town of New Lebanon Highway Department is seeking sealed bids for the following equipment for hire for the 2021-2022 year:

1. Bulldozer, 8 to 10 ton – 70 or more horsepower
Hourly with operator & hourly without operator
Please include year and make in the bid.
2. Excavator – 14 to 16 ton – 70 or more horsepower
Hourly with operator & hourly without operator
Please include year and make in the bid.
3. Dump truck – 10 wheeler or tri-axle

Hourly rates

Please state whether the bid is for a 10 wheeler or a tri-axle

Please include year and make in the bid.

4. Mini excavator

Hourly with operator & hourly without operator

Please include year and make in the bid.

5. Mini Track Loader

Hourly with operator & hourly without operator

Please include year and make in the bid.

Bids **MUST** be in a **SEALED, PLAIN WHITE ENVELOPE (no logo)**; marked **“BID”**; and received in the office of the New Lebanon Town Clerk at the Town Hall, 14755 Route 22, New Lebanon, New York, no later than 4:00 p.m. on Friday, July 9, 2021. All bids must include a *Non-Collusive Bidding Certificate*. The bids will be opened at the Office of the Town Clerk on Friday, July 9, 2021 at 4:00 p.m. Bids will be considered at the regular monthly Town Board meeting to be held on Tuesday, July 13, 2021 at 7:00 p.m. at the New Lebanon Town Hall at 14755 Route 22, New Lebanon, New York.

The Town Board reserves the right to reject or accept all bids.

Jeffrey Winestock, Highway Superintendent, 6/8/2021

Bid Results:

Town Clerk Robertson read the following bid results received for **Equipment for Hire:**

***D&J Excavating** for a 1986 Autocar 400hp ten-wheeler at \$85 per hour with operator; a 2001 D3 CAT Dozer at \$105 per hour with operator; a 1998 311B CAT Excavator at \$135 per hour with operator; a 2018 80 Yanmar Excavator \$125 per hour with operator; a 2013 KX 121-3 Kubota Excavator at \$100 per hour with operator and a 2014 289D CAT mini track loader at \$100 per hour with operator.

Supervisor Houghtling made a motion, seconded by Councilmember Trainor and approved unanimously to accept all bids received from D&J Excavating to be used at the discretion of the Highway Superintendent.

***J. Bergeron Trucking** for hourly trucking for the Town of New Lebanon Highway Dept. with a 1987 Ford LTL 9000, 10-wheeler dump truck, 400 Catapillar, NYS overweight permitted, and \$1,000,000 liability coverage with an hourly trucking rate of \$85 per hour.

Supervisor Houghtling made a motion, seconded by Councilmember Newton and approved unanimously to accept all bids received from J. Bergeron Trucking to be used at the discretion of the Highway Superintendent.

Calcium Chloride:

**NOTICE TO BIDDERS
HIGHWAY DEPARTMENT
TOWN OF NEW LEBANON
COUNTY OF COLUMBIA**

NOTICE IS HEREBY GIVEN that the TOWN OF NEW LEBANON HIGHWAY DEPARTMENT is seeking bids for liquid calcium to be applied to town roads through 7/31/2022. **Bids must be submitted on the bid form provided by the town.** Bids must include the percentage (%) of calcium and the percentage (%) of water. Bids must be in a PLAIN ENVELOPE and labeled only with the item being bid and must include a “Non-Collusion Bidding Certificate.” Bids must be received in the office of the Town Clerk at the New Lebanon Town Hall, 14755 Route 22 North, New Lebanon, New York, no later than 4:00 pm on Friday, July 9, 2021. Bids will be opened at the Office of the Town Clerk at 4:00 pm on Friday, July 9, 2021 and will be considered by the Town Board at the Regular Monthly Meeting at the New Lebanon Town Hall at 7:00 p.m. on Tuesday, July 13, 2021. The Town Board reserves the right to reject or accept all bids.

Jeff Winestock, Highway Superintendent, 6/8/2021

Bid Results:

Town Clerk Robertson read the following bid results received for **Calcium Chloride:**

***Peckham Materials Corp.** we received a bid at 32% calcium and 68% water in the winter and 35% calcium and 65% water in the summer both for \$0.96 per gallon.

***Gorman Bros, Inc** we received a bid at 32% calcium and 68% water in the winter and 32% calcium and 68% water in the summer both for \$1.02 per gallon.

Supervisor Houghtling made a motion, seconded by Councilmember Gordon and approved unanimously to accept Peckham’s Bid to be used at the discretion of the Highway Superintendent.

Heating Fuel, Diesel & Kerosene :

**NOTICE TO BIDDERS
TOWN OF NEW LEBANON
COUNTY OF COLUMBIA**

NOTICE IS HEREBY GIVEN that the TOWN OF NEW LEBANON is seeking bids for the following items for use by the NEW LEBANON HIGHWAY GARAGE and the NEW LEBANON TOWN HALL through 7/31/2022:

LOW SULFUR HEATING FUEL (Number 2 Heating Fuel) – Delivered to the Town Hall and Town Highway Garage for heating,

LOW SULFUR DIESEL FUEL – Delivered to the Town Highway Garage, and

KEROSENE – Delivered to the Town Highway Garage.

Bidder must guarantee to deliver fuel products at such times and places, and in such quantities, as may be ordered by the Town Highway Superintendent or other Town personnel. Failure on the part of the contractor to make timely deliveries of fuel products upon requisition of the Town may be regarded, at the option of the Town of New Lebanon, as a forfeiture of this contract upon the part of the bidder.

Bids are to be presented as a FIXED ADD to the posted gross rack price at the port of Albany, or the port of Rensselaer at noon on Monday, July 1, 2021.

Proof of posted rack price for any invoice/bill must be made available upon request of the Town Board.

The **FIXED ADD** will remain constant and will be added to the same terminals gross rack price as originally bid on the date of each delivery. Use of an alternate rack price will be allowed if it results in a lower net price for the Town, in which case documentation will be required for the original terminals gross rack pricing, as well as the alternate terminals rack price. An Alternate Fixed Price per Gallon Bid (*good through 7/31/2022*) may be submitted for each of the fuel items.

Sealed bids (*on the form provided by the Town of New Lebanon*) must be in plain envelopes, clearly labeled only with the item being bid, and must include a “Non-Collusive Bidding Certificate.” 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 pm on Friday, July 9, 2021. Electronic and faxed bids will not be accepted.

Bids will be opened at the Office of the Town Clerk on Friday, July 9, 2021 at 4:00 pm and they will be considered by the Town Board at the Regular Monthly Meeting at the New Lebanon Town Hall at 7:00 p.m. on Tuesday, July 13, 2021. The Town Board reserves the right to reject or accept all bids.

Marcie Robertson, New Lebanon Town Clerk, 6/8/2021

Bid Results:

Town Clerk Robertson read the following bid results received for **Heating Fuel, Diesel & Kerosene:**

***Main Care Energy**, JOC Albany/Sprague terminal used for bid; **low sulfur heating fuel** Gross Rack Price: \$2.0780; Fixed Add: \$.16; Total: \$2.2380 (No Bid for alternate price); **low sulfur diesel fuel** Gross Rack Price: \$2.2051; Fixed add: \$.18;

Total: \$2.3851 (No bid for alternate price) and **kerosene** Gross Rack price: \$2.4300; Fixed add: \$.20; Total: \$2.6300 (No bid for alternate price).

***John Ray & Sons**, Global Albany terminal used for bid; **low sulfur heating fuel** Gross Rack Price: \$2.0090; Fixed Add: \$.15; Total: \$2.1590; alternate price \$2.619; **low sulfur diesel fuel** Gross Rack Price: \$2.1630; Fixed add: \$.15; Total: \$2.3130; alternate price \$2.779 and **kerosene** Gross Rack price: \$2.3675; Fixed add: \$.30; Total: \$2.6675; (N/A for alternate price).

Supervisor Houghtling made a motion, seconded by Councilmember Gordon and approved unanimously to accept the bid from John Ray & Sons for the low sulfur heating fuel and the low sulfur diesel fuel and to accept the bid from Main Care Energy for the kerosene.

Extra Signs Allowed for Businesses During COVID:

Supervisor Houghtling stated the extra sign allowance due to COVID has expired and as long as there is no opposition from the rest of the board, she wanted to state publicly that the extension of the allowance of additional signs is no longer allowed. The Town Board all agreed this was good.

NEW BUSINESS:

Policy Review – Cell Phone Policy, Data Breach Notification Policy and Purchasing & Vouchering Policy:

Supervisor Houghtling stated all policies have to be reviewed on an annual basis.

Cell Phone Policy:

No one on the Town Board saw anything to amend.

A motion was made by Supervisor Houghtling, seconded by Councilmember Trainor and approved unanimously to accept the Cell Phone Policy as written.

See Addendum A

Data Breach Notification Policy:

No one on the Town Board saw anything to amend.

A motion was made by Supervisor Houghtling, seconded by Councilmember Trainor and approved unanimously to approve as written the Data Breach Policy.

See Addendum B

Purchasing & Vouchering Policy:

Supervisor Houghtling stated that this is a new policy that was passed in 2020, with COVID this wasn't always being followed due to the working circumstances. Supervisor Houghtling will be holding a training with the department heads who place orders to make sure everyone knows how to utilize the policy. No one on the Town Board saw anything to amend.

A motion was made by Supervisor Houghtling, seconded by Councilmember Gordon and approved unanimously to approve as written the Purchasing and Vouchering Policy.

See Addendum C

NYS Retirement Resolution:

Supervisor Houghtling stated that every year we have to pass a Retirement Resolution, it is just for salaried employees. If they do a time card they get reported through our payroll, through the accountant. We just learned that the resolution does not need to include anyone who has a consistent term as well as anyone who hasn't handed in a calendar. We have two employees, Hazel and Michelle. Michelle is marked as not submitted because the way we were guided when Colleen was Supervisor, which we have in writing, from NYS Retirement, we are now told that was not the right way to report her. We have been instructed to report Michelle in a different way by a different person at NYS Retirement and we have that in writing as well. For Michelle's Summer Camp only position, she has to do a yearlong calendar and submit it to NYS Retirement for future reporting.

TOWN OF NEW LEBANON

RESOLUTION #21, 2021

STANDARD WORK DAY AND REPORTING RESOLUTION FOR 2021

July 13, 2021

At the regular monthly meeting of the New Lebanon Town Board, held at the New Lebanon Town Hall, 14755 Route 22, New Lebanon, New York, duly called and held on the 13th day of July 2021, the following Resolution was put forth for enactment:

Proposed by Supervisor Houghtling

Seconded by Councilmember Newton

Standard Work Day and Reporting Resolution for 2021

BE IT RESOLVED, that the New Lebanon Town Board hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New

York State and Local Employees' Retirement System based on the time keeping system records or the record of activities maintained and submitted by these officials to the clerk of this body:

Title	Name	Standard Work Day (Hrs/day)	Term Begins/Ends	Participates in Employer's Time Keeping System (Y/N)	Days/Month (based on Record of Activities)	Not Submitted
Elected Officials						
Appointed Officials						
CEO/ZEO/Building Dept Administrator	Hazel Hernandez	6	1/1/2021-12/31/2021	No	39.04	
SYP Program Director	Michelle Bienes	6	1/1/2021-12/31/2021	No		X
Title	Name	Standard Work Day (Hrs/day)	Term Begins/Ends	Participates in Employer's Time Keeping System (Y/N)	Days/Month (based on Record of Activities)	Not Submitted
Appointed Officials						

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

Roll Call Vote:

- Councilmember Rasmussen - Aye
- Councilmember Gordon - Aye
- Supervisor Houghtling - Aye
- Councilmember Trainor - Aye
- Councilmember Newton- 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: July 13, 2021

Marcie Robertson, Town Clerk

Town of New Lebanon

Declare Old Highway Grader Surplus & Go Out to Bid:

Councilmember Newton stated that Highway Superintendent Winestock wants to declare the 1988 Champion Grader as surplus and put it up for sale to the local paper.

Supervisor Houghtling asked if there were a reason, he didn't want to use Auctions International?

Councilmember Newton responded that because the last time they did this, they got people wanted to buy the grader as scrap pricing because it is old. He is hoping by noticing it in the local paper, municipalities or small construction companies will take the time to come and look at it and see that it still has some value to it.

A motion was made by Supervisor Houghtling, seconded by Councilmember Trainor and approved unanimously to declare the 1988 Champion Grader surplus and go out to bid in the Eastwick Press and Register Star with bids due by 4:00pm on Friday, September 10th, 2021.

Community Picnic – Awards & Recognition:

Supervisor Houghtling stated that Councilmember Rasmussen had suggested that the Town Board do something nice for all of their volunteers. Supervisor Houghtling thought it would be nice to do this at the upcoming Community Picnic.

The Town Board held discussion on what the best way to go about this is.

NYS Marijuana Legislation – Options for Municipalities:

Supervisor Houghtling stated that if the Town Board does nothing, marijuana becomes legal in NY State, there can be a dispensary and or a "pot bar" in New Lebanon. The Town Board has an option via a local law process to opt-out of one or the other or both. If the town opts-out, they lose out on the potential tax revenues that are generated from these potential businesses.

The Town Board held discussion on this topic and has no intention on passing a local law to not allow it and they are in agreement that the ZRC should take a look at this and how zoning is affected.

Veterans Tax Exemption Request - NLCSO:

Supervisor Houghtling stated that for the record, the Town Board has no authority over the school or the school board, they are an independent elected group. NLCSD is the only school district in all of Columbia County who does not give a tax exemption to our veterans.

Supervisor Houghtling would like to request that the school board reconsider. She was hoping that the Town Board might consider that her request come via a motion from the Town board that she is speaking on behalf of the Town Board, fully recognizing that the school board is an autonomous board from the Town Board, but that they as a Town Board feel strongly that our residents should have an exemption on their school taxes for veterans. The town gives the highest veteran exemption that they are allowed to give for this exemption.

A motion was made by Councilmember Trainor, seconded by Councilmember Gordon and approved unanimously with the EXCEPTION of Councilmember Newton who is opposed to authorize Supervisor Houghtling to send a letter to the New Lebanon School Board on behalf of the Town Board supporting the recommendation that the New Lebanon School Board reconsider a Veteran's exemption on their school taxes.

Councilmember Newton stated that he supports the idea but not the motion. He is in favor of the veterans getting the tax credit but he thinks that the school board is an autonomous board and the town board doesn't have any oversight to them. He wouldn't want them coming to the town board with a motion passed by their board trying to command them to hold a public hearing for something.

2021 Attorney Fees:

Supervisor Houghtling stated that they budgeted \$42,500 this year without litigation which is separate. Year to date we have spent \$32,918.87. The Planning Board and Building Department have spent \$12,022.50 year to date. This is something that the board really didn't budget for this year. The Town Board and some Building Department, Cissy & Jeff do use Atty. Tingley some, is \$20,896.37. If the board continues with the budget they have, they would spend \$1,596.86 a month for the next six months.

Supervisor Houghtling questioned the rest of the board members; do they want to spend as little as possible and hold off on some things until next year? Or should they move on ahead and continue with the projects that are being worked on?

The Town Board held discussion and agreed to carry on until next month and Supervisor Houghtling will get some comparisons on what other towns spend on attorney fees and what our town has spent over the past several years and come back and discuss this more at the August meeting.

TB Adoption of New PB Member Manual, PB Applicant Manual, ZBA Applicant Manual and Flow Chart for Building Department:

Supervisor Houghtling stated that the Quad Board has been very successful, they are done for now. One of their goals that was notated in the Comp. Plan for the BEDC was to create user guides for applicants in the Building Dept. and a user guide for new businesses. At last months meeting, the board approved five new applications.

The Planning Board Applicant Manual wasn't quite ready, it needs some more work, so this will be tabled.

A motion was made by Supervisor Houghtling, seconded by Councilmember Gordon and approved unanimously for the Town Board to adopt the Planning Board Procedures for Members, the Zoning Board of Appeals Procedures for Applicants and the Building Department Applicant Flow Chart.

See Addendum D

Appointment of Labor Counsel for Union Negotiations:

Supervisor Houghtling received a letter from the Teamsters Union, there are highway employees that are looking to unionize, this requires labor council. Supervisor Houghtling reached out to the labor council for county, Elena DeFio Kean and she is great – her quote was \$200 per hour for her and \$100 per hour for work performed by paralegal. The firm bills at one-tenth of an hour and submit bills on a monthly basis. Elayne Gold was recommended by Jon Tingley and is the attorney the town used when there was an employee issue in the court – her quote is \$250 per hour for partners and senior associate attorneys, \$210 per hour for

associate attorneys and \$150 per hour for paralegals. We need to appoint one so we can move forward with an initial meeting with the union.

A motion was made by Supervisor Houghtling to appoint Hinman Straub as labor council for the Town of New Lebanon for the remainder of 2021. The motion was seconded by Councilmember Trainor.

Roll Call Vote:

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

Elena suggested a town board member join the supervisor for the negotiations and she would love for Norman to join her as he has years of experience with union negotiations.

He is happy to do this but would like to then pass along the comparison committee spot to another town board member. Councilmember Trainor will take over on the Comparison Committee for Councilmember Rasmussen.

Letter of Support:

Supervisor Houghtling received an email request for a letter of support for a resident regarding a business that is currently being reviewed by the ZRC. They are applying for a grant through the Empire State Development Program to finish their project at Second Family and there was a request for letters of support. They were hoping that on behalf of the town, Supervisor Houghtling would write a letter that highlights how the project, if successful, if zoning comes through would build tourism to New Lebanon by restoring a historic place. This is something that the BEDC felt strongly about in their proposal. They are looking to have weddings and offer the people who rent their venue, discounted rates on the rental to do business with all local businesses. Supervisor Houghtling thinks that there is a potential economic benefit to the town to have their business there.

A motion was made by Councilmember Trainor, seconded by Councilmember Newton and approved unanimously to authorize Supervisor Houghtling to write a letter of support for The Ruins at Sassafra Farm to apply for grant funding.

COMMITTEE/LIAISON REPORTS:

Assessor (Councilmember Rasmussen):

Councilmember Rasmussen stated that there is no news to report.

Building Department (Councilmember Rasmussen):

Councilmember Rasmussen stated that there is no news to report.

Business & Economic Development (Councilmember Gordon):

Councilmember Gordon reported that the BEDC met last night and discussed the Marketing Committees efforts to come up with a slogan, the plan has been put into motion. They have already received twenty-one slogan suggestions; the committee will narrow it down to five and bring to the BEDC to again narrow it down to three to present to the Town Board. They had a lengthy discussion about water infrastructure and how to answer questions for people within the proposed district to try to gauge the response of the landowners in that area who would be affected. They had a discussion about the Comp Plan Review draft that deals with economic development.

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

Peg Munves, CAC Member reported that they met last night, they had a brief discussion on the Comp Plan Review. They are working on a plan to adjust plants as per town responses and Town Supervisor desires, mainly moving some trees near the road on the baseball side of the park. They will submit an updated plan in September most likely. She is looking to get a spigot put in and Jesse said it will be put in soon. Reported on excellent volunteerism with watering and mulching and filling holes, camp kids have been helpful.

Steve Powers, CSC Chair commented that as a follow-up to what Brian Buzby from Ampion said earlier- because an Opt-Out Community Solar program for the town would involve less investment in terms of time and effort for Ampion vs the Opt-In program which is very labor intensive as it involves dealing with individuals, Ampion is in a position to offer New Lebanon a one-time bonus, after Opt-Out Community Solar has been implemented, of approximately \$35,000-\$50,000 depending on an analysis of the usage. This range is based on other towns with similar size populations but is totally an estimate.

Community Choice Aggregation: At the CSC meeting on July 7, 2021 a motion was made: "The CSC approves the exploration of a CDG (Community Solar) Opt-Out program by Ampion Renewable Energy for the Town of New Lebanon." The motion was approved.

In addition, if the town approves the Opt-Out Community Solar program it will allow the CSC to reach the next level of NYSERDA grants and potentially earn the town another grant of \$10000.

Although we have gotten the minimum number of sign-ups for the Community Solar program and now stand at 23 residents onboard. We have been trying to get more but it is slow going. We hope these bags will help and have distributed over 100 to residents.

The battery recycling program is going well. We have two full boxes of batteries to be sent for recycling. The boxes are located in both Post Offices, Town Hall and Country Squire. We had press releases about the program in Eastwick Press and the Columbia Paper in the last two weeks.

The CSC is working on an electronics recycling day for the town. Date to be advised.

Supervisor Houghtling reported that they are still waiting on NYSEG for the installation of an electric pole to allow for the hookup for the electric vehicle charging station. The CSC will take over billing and filing a quarterly report.

The Community Greenhouse Gas report (GHG) has been published by the consultant and is up on the CSC page on the town website. We have invited the consultant to present to the CSC at our Aug meeting.

The CSC annual report that Marc did is on the Town website.

Comprehensive Plan: we are submitting our comments that we hope will be incorporated and allow the CSC to get credit on the road to Silver

Repair Café: Sarah Steadman and Adelia Moore on our Repair Care subcommittee have proposed October 23 as the date for the first Repair Café in conjunction with Canaan and Austerlitz from 10 – 4:00 at the LVPA. The event will be promoted at Music in the Park this summer. We ask that the Board approve the date as well.

A motion was made by Supervisor Houghtling, seconded by Councilmember Trainor and approved unanimously to support the Repair Café on October 23rd, 2021 at the LVPA.

Bike Repair: Marc reported that the bike program has placed 52 bikes in the past year, 17 are ready to be placed, and an additional 21 bikes have been repaired for owners. With Marc's departure we will need someone to replace him and we were lucky enough to have Larry Bennet volunteer. However, Larry is a resident of Canaan so we ask that the Board approve his working with the CSC even though he isn't a resident.

A motion was made by Supervisor Houghtling, seconded by Councilmember Gordon and approved unanimously to approve Larry Bennet working with the CSC for the bike recycling program.

The CSC has been working with Steve Winkley from New York Rural Water Association to help us achieve the PE7 Action: Source Water Protection. We ask that the Board approve this action which is a continuation of his work that he is doing testing water here. When the study is complete, we will ask the Town to adopt the source water protection plan before submittal to NYSDEC.

A motion was made by Supervisor Houghtling, seconded by Councilmember Gordon and approved unanimously to authorize the Source Water Protection Program being worked on by Steve Winkley to be a CSC Action for the town.

Our Bronze status sign has been posted in front of the building at the Town Hall. The other sign is on display at the CSC booth at the Farmer's Market and will eventually be posted somewhere in town.

The CSC taskforce has received a \$5,000 grant from NYSERDA. A second grant has been applied for. There was an issue with the application, and it has to be re-submitted.

In addition, if the town approves the Opt-Out Community Solar program it will allow the CSC to reach the next level of NYSERDA grants and potentially earn the town another grant of \$10000.

Bruce Shenker, Environmental Management reported that a lot of what is done at EMC meetings is discussing town and county wide climate smart efforts. Also mentioned from Zero Waste Columbia that there is a possibility for a pilot composting project at county transfer stations. And announced that Marc Anthonisen will receive a Good EarthKeeping Award at July 26 EMC meeting at 630 at 401 State Street in Hudson.

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

At the request of a resident, Councilmember Trainor read the June call reports submitted by the LVPA.

Highway (Superintendent Winestock & Councilmembers Newton):

Councilmember Newton reported no report, good.

Historian & LVHS: (Councilmembers Trainor):

Historian:

Councilmember Trainor read the Historian's report:

**Report of the Town Historian
June 9 – July 13, 2021**

Responded to inquiries via email on waterways of New Lebanon, the Rutland RR, and ownership of properties.

Had my regular meeting with Glenn Fisher. We exchanged research ideas and discussed the issues of the day.

Continued my research on the Roosevelts and Fayerweathers.

Joined the New York Public Library digital collections site.

Updated the town historian's webpage on the town website.

<http://www.townofnewlebanon.com/town-offices/town-historian/>

Coordinated a Google meeting of the Columbia County Historians subcommittee on the history map for the county.

Participated in the meeting of the board of the LVHS.

Registered to attend a grant writing session sponsored by the NYS Museum Association to be held at the FDR Presidential Library and Museum on September 23, 2021.

LVHS:

Councilmember Trainor reported that they LVHS has resumed their activities, they will be at the Music in The Park, they have two programs coming up in October.

Justice Court/Constable (Councilmember Trainor):

Councilmember Trainor stated nothing to report.

Library (Councilmember Trainor):

Councilmember Trainor reported that the library has recently circulated a petition to request additional funds to be put on the ballot for the upcoming November election.

Buildings, Parks & Recreation (Councilmembers Newton):

Councilmember Newton reported that the bathrooms are now completed.

Seniors (Councilmember Gordon):

Mary Young, NL Rep provided the minutes as follows:

**OFFICE OF THE AGING ADVISORY COUNCIL MINUTES FOR
MEETING ON JUNE 18, 2021**

On June 18, 2021, the OFA Advisory Council opened its meeting at 1:05 P.M. via Zoom. Fourteen (14) attended, see names at the end of the report, inclusive of OFA Staff and Advisory Council members.

The meeting did not have a quorum so minutes of April or May were not approved.

See attached Agenda

Old Business:

- a. **Senior Centers:** Centers have been reopened in Livingston, Hudson, Valatie, Stuyvesant Falls and Canaan. Copake is scheduled to reopen on 6/24. The sites in Greenport and Philmont will not reopen for the present time. The residents of Greenport are welcome

and are attending the center in Hudson. Kevin reported that the open centers are doing better than before.

- b. **Secretary: Mary Young** from New Lebanon agreed to become the secretary and will work with Joyce to learn the process.
- c. **Vaccine Call Center:** The call center continues to be open with few residents coming for vaccination. The DOH will open a clinic there on Tuesday, an appointment will be required. Per the Governor, vaccination sites will be reduced and the County DOH will update about vaccination sites.
- d. **The Home Energy Assistance Program (HEAP):** Applications are still available for heating and cooling assistance until the end of August. OFA can be contacted for assistance in getting applications.

New Business

- a. **Farmer's Market Coupons:** Coupons are scheduled to arrive by the end of June, applications will be available at certain sites to be announced in the Newsletter or on the OFA web site. Coupons will be available for in person pickup at the Office for the Aging at 325 Columbia Street in Hudson.
- b. **In Person Meeting:** Kevin reported that he has scheduled the second-floor conference room at 325 Columbia St. for an in-person meeting of the OFA Advisory Council on Friday 9/17 at 1pm. Parking Passes will be sent to Council members.

Reports:

OFA: Kevin announced that the application for Senior of the Year is on the OFA web site. The announcement will be made in October by a virtual meeting. Council members are requested to spread the word.

Kevin responded to the suggestion that he provide statistics regarding the program use. He will produce a report and forwarded it to Council members for them to give to the Towns they represent.

Kevin reported that the Golden Gathering will occur this fall at the Columbia County Community College on 10/2 sponsored by State Senator Daphene Jordan. Watch for advertisements and invitations.

DSS: No representative present

Health: No representative present

NY Connects: Rachel introduced the new staff member, Steve Vandenburg, who will be working in the Navigator's office.

Rachel reported that the office responded to 20 calls this month. Home Health Aides (HHA) are not available for several reasons. Both NY Connects and the OFA are looking for ways to get more HHAs. The OFA is working on a county program that includes increased wages, training and travel pay. To get something going requires consensus from Human Resources, Civil Service, the Union and the County Financial Committee. Kevin

will keep us up to date on the progress. Council members can refer people who may be interesting to NY Connects.

Human Services: No representative present

Joyce read a report from Carol representing Neighbors of Northern Columbia County regarding the work they have been doing. They have a new Facebook page; they are setting up 2 free programs to be held at local libraries. The first is **July 6 at 2pm at the Kinderhook library**, the second is **July 10th at 11am at the Chatham Library**. Both events are being held outside, guests are asked to bring their own chair. E-mail at NNCC1info@gmail.com for more information. North Chatham Library is hosting new programs for seniors this summer as well. Terri can be reached at mmayhew1@nycap.rr.com for more information.

Council Members:

Hillsdale reports that they have been doing constant newsletter updates throughout the pandemic. They have distributed 25 Healthy Buckets to residents. They will be restarting their coffee hour in July. Some time ago the Safe at Home committee sent out a survey to 420 households asking about their needs. Based on the many responses requesting home maintenance help a home maintenance /repair day is scheduled for October. Earlier this year a booklet was developed that lists local home improvement vendors. Residents report it has been helpful. Additionally, surveys showed that Hillsdale seniors are not food insecure and most of them have a trusted person to contact if they are in trouble.

A discussion was held regarding a variety of types of equipment and venues available to help residents get information and assistance. They include Meals on Wheels, the OFA Newsletter and Facebook page and area libraries. The OFA Newsletter may start coming out every two months because there is so much happening these days. Technical support is available through Apple watches and in home pendants and buttons that connect to 911 or family or friends to reach help.

Columbia Opportunities: Tina Sharpe is on vacation but had reported earlier that they will be conducting an outreach program this fall in the Nutrition sites.

New Lebanon: Mary added this information after the meeting as the Seniors were meeting at the same time as this meeting. A covered dish meeting was held today with several residents attending and a good time was had by all.

Trips are being set up and the information will be available in the local newspaper and on the Town Web site. A Town Community Picnic will be held on August 1st with a table setup about information.

Joyce noted that there is no counterpart to the Neighbors of Northern Columbia County and asked a general question about whether a Neighbors for Southern Columbia County group might make sense. If anyone is interested call or contact Joyce.

Joyce reported that nominations and elections are due this year for President, Vice President and Secretary this fall. Please think about how you might be able to help. Minutes will be sent out sooner than usual due to the events occurring before the next meeting in September.

It was motioned and seconded by Joyce Thompson/ Kevin McDonald to adjourn the meeting at 2:05pm.

Respectfully submitted, Mary Young, Secretary

Volunteers (Councilmember Rasmussen):

Councilmember Rasmussen reported they had one request that was filled and got volunteers for a new project.

If anyone is interested in volunteering, please contact Councilmember Rasmussen at: nrasmussen@townofnewlebanon.com.

Comparison Committee (Councilmember Rasmussen & Gordon):

Councilmember Gordon reported that they met with the Building Department and discussed the project of town-by-town comparisons in department functions and they both seemed interested in the project.

ANNOUNCEMENTS:

AUGUST:

Sunday, August 1st, 2021 – Community Picnic & MITP @ 12:00pm at Shatford Park

Tuesday, August 10th at 6:45 pm – Public Hearing (Intro LL#2 of 2021) at the NL Town Hall

Tuesday, August 10th at 7:00 pm – Regular Meeting at the NL Town Hall

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 did receive one email during the meeting.

No other POF was received.

ADJOURNMENT:

A motion was made by Supervisor Houghtling, to adjourn the meeting at 9:58 pm. The motion was seconded by Councilmember Newton.

Roll Call Vote:

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

Respectfully submitted,

Marcie Robertson
New Lebanon Town Clerk

Addendum ~~B~~ A

**TOWN OF NEW LEBANON
RESOLUTION# 17, 2018
TOWN CELL PHONE POLICY
APRIL 19, 2018**

At the Regular Monthly Meeting of the New Lebanon Town Board, held at the New Lebanon Town Hall, 14755 NYS Route 22, New Lebanon, New York, duly called and held on the 19th day of April 2018, the following Resolution was proposed and seconded:

Resolution by Councilmember Smith
Seconded by Supervisor Teal

TOWN CELL PHONE POLICY

WHEREAS, all Full Time Highway Employees, the Highway Superintendent, the Town Supervisor, the CEO/ZEO, the Deputy CEO/ZEO, and the Animal Control Officer need a cell phone for the purposes of their job, and;

WHEREAS, some employees would rather utilize their personal cell phone for purposes of their job instead of having two phones.

Now, THEREFORE, BE IT RESOLVED, that the Town authorizes a cell phone plan through the Town for all eligible town employees listed above, which can be changed from time to time with a majority vote of the Town Board.

FURTHER BE IT RESOLVED, that if an eligible town employee chooses to utilize their personal phone for work purposes instead of having a phone through the Town, the Town agrees to reimburse the employee in the amount of \$25.00 per month via monthly voucher.

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 Kevin Smith	Aye
Supervisor Colleen Teal	Aye
Councilmember Jesse Newton	Aye
Councilmember Mark Baumli	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: April 19, 2018

Tistrya Houghtling
Town Clerk
Town of New Lebanon

Reviewed by Town Board 7/13/2021

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Addendum ~~E~~ B

Town of New Lebanon Data Breach Notification Policy

General Policy

Consistent with § 208, Subdivision 2, of the State Technology Law (STL), the Town of New Lebanon, upon learning of an unauthorized acquisition of electronic private information maintained by the Town of New Lebanon as defined in § 208, Subdivision 1(a), of the STL, shall, as soon as possible and without unreasonable delay, provide written notice to any resident of New York State whose private information may have been subject to such acquisition.

Reviewed by Town Board 7/13/2021

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Addendum ~~B~~ C

POLICY FOR PURCHASING & VOUCHERING ITEMS

PURCHASING

Except as otherwise provided herein, all department heads who submit a budget request to the Town Board whose requests are approved by the Town Board via adoption of the budget are authorized to make purchases on behalf of their department, in full accordance with the Town's Procurement Policy. Any item that was listed on a department's itemized budget request and approved in the budget does not need Town Board authorization prior to purchase. If an item is not listed on a department's itemized budget request but costs less than \$500, it does not need prior authorization. If an item is not listed on a department's itemized budget request and costs between \$500 and \$2,500, it needs prior authorization from the Town Supervisor. If an item is not listed on a department's itemized budget request and costs over \$2,500, it needs prior authorization from the Town Board. Nothing in this paragraph applies to the highway department or highway superintendent. All purchases by the highway department and/or highway superintendent must comply with all applicable state laws, including without limitation, Highway Law § 142, which requires Town Board approval for purchases of equipment, tools, implements, snow plows, and other devices for highway maintenance, construction, reconstruction, and snow removal.

Before any purchase is made, the department head is responsible for knowing the balance in the budget line they wish to charge the purchase to. Except in emergency situations, the budget line must have an adequate balance for the purchase BEFORE the purchase is made. If more money is needed in a budget line before making a purchase, please submit a budget amendment request (see appendix A) to the Town Supervisor for approval at the next Town Board meeting. The order cannot be placed until after the budget amendment request is approved by the Town Board.

The Town purchases from some vendors such as Staples and W.B. Mason where the Town Clerk's office acts as the purchasing agent for all items, regardless of what department the purchases are for. If a department needs to purchase an item from one of these vendors, they may request the purchase via a purchase order (see appendix B) through the Town Clerk's office. All the same rules apply as if the department head were making the purchase directly from a vendor.

Vouchering

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

9 3 mubnsbbA

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

Training

Annual training will be provided to all department heads and anyone who places orders for the town to ensure that all are properly trained in the policies laid out above. The training will include a full review of this policy as well as the Town's Procurement Policy.

Penalties

If a purchase is made not in accordance with this policy, the person placing the order could be held personally financially liable for the payment of the invoice.

Review

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

APPENDIX A



Budget Amendment Request Town of New Lebanon

Department Requesting Budget Amendment: _____

Reason for Budget Amendment:

Amount of Budget Amendment Requested: _____

Budget Code to be Increased by Above Amount: _____

Budget Code to be Decreased by Above Amount: _____

I certify that I am authorized to request this budget amendment

Requestor's Signature

Printed Name

Date

APPENDIX B



Purchase Order Form Town of New Lebanon For Items To Be Purchased by Town Clerk

Department Requesting Purchase: _____

Item Requested: _____

Cost of Item: _____

Vendor to Purchase Item From: _____

Budget Code to Charge for Purchase: _____

Current Balance in Budget Code to be Charged: _____

I certify that I am authorized to request this purchase, that I have sufficient funds in my budget to pay for this purchase and that I have complied with all applicable policies codes and laws such as the Town's Procurement Policy and the Policy for Purchasing & Vouchering Items.

Requestor's Signature

Printed Name

Date

APPENDIX D



Incomplete Voucher Form

Town of New Lebanon

Department with Incomplete Voucher: _____

Errors on Incomplete Voucher:

Date Incomplete Voucher Received by Town Supervisor: _____

Date Incomplete Voucher Returned to Department: _____

**Date Completed Voucher Must be Returned to Town Supervisor to be Considered
for This Month's Town Board Meeting:** _____

Addendum ~~E~~D



Planning Board Procedures for Members



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Amended

Town of New Lebanon
Planning Board
Procedures for Members

I. Purpose

The Planning Board is an administrative body of local government. In the Town of New Lebanon, it is comprised of seven members and the primary responsibilities of the planning board are to review and act on subdivision plats, site plans, and special use permits. In addition, the Planning Board may also prepare land use regulations and recommend their adoption to the local legislature (town board); participate in the preparation of the town's comprehensive plan; report on and make recommendations on matters referred to it by the local legislature, including amendments to the zoning ordinance, the adoption of official maps and capital improvements; advise the local legislature and other boards on matters affecting the town's development; and prepare other draft regulations relating to subject matter over which the planning board has expertise and recommend their adoption to the local legislature.

II. Membership

The Planning Board consists of seven members who each serve one (1) seven year term with no term limits. One member is appointed on an annual basis by the Town Board to serve as Chairperson. Planning Board members are required to be primary residents of the Town of New Lebanon, maintain good standing in the community, be of good moral character, and attend meetings and obtain training per Chapter 7 of the Code of the Town of New Lebanon.

Planning Board Membership Selection

Planning Board members are selected by the Town Board via an interview process. After a seat becomes available on the Planning Board, whether by resignation of a current member or at the end of a current member's term, the Town of New Lebanon shall post a notice soliciting letters of interest from the public. Following a suitable period of public notice, the Town Board shall review all letters of interest that have been received and schedule a time to interview prospective members. This process may be done with input from the current Planning Board chairperson if the Town Supervisor deems it prudent. After the interviews have been completed, the Town Board shall vote to appoint the best qualified candidate.

Prospective Planning Board members shall not have existing or ongoing conflicts of interest with the applications before the Planning Board or the overall general responsibilities of the Planning Board. If during the course of service on the Board, a member has a conflict with a specific application, they shall inform the chairperson of said conflict and the chairperson may discuss with the lawyer to determine whether the member should recuse for that specific instance.



Town of New Lebanon Planning Board Procedures for Members

The Town Board reserves the right to remove a sitting Planning Board member for cause if the Town Board determines, after a fair and open investigation and review, that the Planning Board member is unable or unwilling to fully execute their duties to the best of their ability, as described in this document.

Planning Board Member Training (Refer to Chapter 7, Code of the Town of New Lebanon)

Each Planning Board member shall report their annual training hours and type of training to the Planning Board Clerk no later than December 1 of each calendar year. The Planning Board Clerk shall maintain records of all training completed on an annual basis and submit a report to the Town Board in advance of the first Town Board meeting of the new year. Training that is scheduled by a Planning Board member in the month of December shall note such on their training record submission, and shall provide to the Planning Board Clerk documentation that such training has been completed prior to December 31st.

Planning Board Chairperson

The Planning Board Chairperson shall be a current member of the Planning Board in good standing and of good moral character. The chairperson shall abide with all other rules and regulations as a regular Planning Board member. The chairperson shall also work with the Code and Zoning Enforcement Officer(s) of the Town of New Lebanon, the Town Board, the Zoning Appeals Board, the Zoning Rewrite Committee, and any and all other committees or boards of the Town of New Lebanon to ensure that the laws and goals of the overall Town are being achieved in unison. The chairperson may choose to delegate the responsibility or ask for volunteers to be a liaison with any of the other Boards or Committees.

Planning Board Chairperson Selection

On an annual basis, the current chairperson or an interested Planning Board member upon the resignation of the current chairperson should submit a letter of intent to the Town Board expressing interest in becoming chairperson. No prior training or experience is required but it is encouraged. The Town Board may interview applicants if they so desire or if there are multiple applicants. The Town Board shall appoint or re-appoint a chairperson at their first meeting of the calendar year. Should no current Planning Board members apply for the position, the Town Board will appoint a member of their choosing to be chairperson.



Town of New Lebanon Planning Board Procedures for Members

Planning Board Chairperson Responsibilities

The Planning Board chairperson is responsible for the running of all meetings and working with the Planning Board Clerk to create the agenda for each meeting. The chairperson may also meet with applicants or potential applicants to discuss the process for projects that may appear before the Planning Board if requested by said applicants or the Town Code or Zoning Enforcement Officer.

The chairperson shall endeavor to work with the Code and Zoning Enforcement Officer to ensure they have all the tools required to perform their job as put forth by any Planning Board decision.

The chairperson shall meet with other heads of Town Boards and Committees via the Quad Board meetings, as arranged by the Town Supervisor. The purpose of these meetings is to bring representatives of all Boards together to discuss issues, concerns, proposed changes to the Town Codes and Laws, etc.

The chairperson should encourage all Planning Board members to obtain required annual training and work with the Planning Board Clerk to ensure that all members are given ample opportunity to receive training on current and relevant topics.

III. Coordination with other Local, County, and State Organizations

All Planning Board members shall abide with all local, county, and state requirements.

All Planning Board members shall work with other local, county, and state committees and boards as required, depending on the applications before the Planning Board and proposed project. Some examples include the Town of New Lebanon Highway Department, the Columbia County Planning Board, the Columbia County Department of Health, the New York State Department of Environmental Conservation, the New York State Department of Transportation, etc. This list is not all encompassing and may change depending on the application under review.

It is encouraged for all Planning Board members to work together to resolve questions or concerns that may arise during the review of a project. Therefore, all questions or requests for information should be made in public at the meeting during discussion with the applicant or, if occurring outside the meeting, should be forwarded to the Planning Board Chairperson who will be responsible for seeking a response in advance of the next meeting. No one member shall act independently or speak on behalf of the Planning Board on any application without authorization from the entire Board in advance.



Town of New Lebanon Planning Board Procedures for Members

IV. Resources

Documents upon which Planning Board decisions are based include but are not limited to the Town of New Lebanon Code (particularly the Zoning Code chapter), all new local laws approved by the Town Board during the calendar year but not yet included in the comprehensive Code Manual (Town Codes), the Zoning Map, and the New York State Environmental Quality Review Act.

Documents which may guide Planning Board decisions and which may be referenced during the course of a proposed project review include but are not limited to the Town Comprehensive Plan, the Natural Resource Conservation Plan, Town Policies, etc.

Other documents which may be referenced can be found on webpages of the respective organizations responsible for the maintenance and administration of such documents. An example is to refer to the New York State Department of Environmental Conservation webpage for all SEQRA requirements, planning, and execution.

Other resources available to the Planning Board and utilized during proposed project review include the Town Attorney and Town Engineer assigned to the Planning Board (in the event the Town has engaged the services of more than one of each), the Association of Towns, the Conservation Advisory Council in the Town of New Lebanon, etc.

A description of how these resources may be applied per proposed project is included in the Procedures and Processes section of this manual.

Links to respective Local, County, and State documents are provided in the Appendix.

All new Planning Board members shall be provided the applications and associated documents for review of projects before the Planning Board. In addition, Planning Board members are able to access online documents to assist their abilities to perform their duties as a Planning Board member. This information shall be provided by the Planning Board Clerk and the Planning Board Chairperson. Information on pending applications shall also be available in the Building Department Office and accessible with a FOIL request and on the website (as applicable) for review by the public.

V. Planning Board Meetings

The Planning Board meets once a month on the third Wednesday at 7:30pm. The Planning Board meets at the Town Hall, or at another location deemed allowable by the Town Board in conjunction with the Planning Board chairperson and posted for public information a minimum



Town of New Lebanon Planning Board Procedures for Members

of one (1) week in advance. A Planning Board meeting must have at least four (4) Planning Board members present to meet.

Agendas

The agenda for each meeting is published no later than the Wednesday prior to the scheduled Planning Board meeting. To be placed on the agenda, an applicant must have submitted no less than ten business days in advance of the meeting one of two items:

- 1.) For a new project that has not been reviewed by the Planning Board, the applicant shall meet with the Town Code and Zoning Enforcement Officer to discuss the project in order to prepare a draft narrative describing the project. Following the meeting, a narrative of the proposed project shall be submitted to the Planning Board Clerk for distribution to the Planning Board at least one week in advance of the meeting. The Code and Zoning Enforcement Officer is not required to review the narrative prior to submission, but it is recommended as the Officer may make recommendations which will help the applicant provide a more thorough narrative for the Planning Board's review.
- 2.) For a project that has completed sketch plan conference or for which a sketch plan conference is not required, a completed application along with all fees and supporting documents, including but not limited to a narrative (revised if necessary after sketch plan conference), maps, plans, completed SEQRA form, etc.

Refer to Chapters 179 and 205 of the Town of New Lebanon Code to determine if an application requires sketch plan conference. While not necessarily required, the Planning Board and/or the Building Department may advise that a Sketch Plan Conference is recommended based on the type, scale, and scope of a project.

All applicants wishing to be placed on the agenda should plan to submit all required documentation no later than ten business days prior to the meeting date they wish to be considered for. Any requests received after this date may not be placed on the agenda if the Planning Clerk and Planning Board chairperson determine the application and/or documentation is incomplete.

Meeting Minutes

Meeting minutes for the Planning Board meetings shall be submitted by the Planning Board clerk in draft form to all members of the Planning Board and be made available for members of the public to review no later than ten (10) business days following the meeting. Requested changes to the draft meeting minutes will be discussed at the following meeting prior to



Town of New Lebanon Planning Board Procedures for Members

approval of the minutes. Changes which may alter the meaning or facts stated in the minutes will be reviewed by the Planning Board chairperson and the Planning Board clerk prior to approval of the minutes.

Decision Documents

Decision Documents are documents prepared by a Planning Board member which document the decision made by the Planning Board and the reasons for the decision or decisions on a particular application. A Decision Document for any applicant shall be submitted to the Code and Zoning Enforcement Officer for their use in the permitting process of the project and filed with the Town via the Planning Board Clerk no later than five (5) business days following a Planning Board meeting at which the determinations were made.

Decision Documents shall include any restrictions or conditions which are part of the motion to approve or disapprove the project. A majority of the Planning Board is required to pass any motion. A majority of the Planning Board is as the Board is constituted, not a majority of those members present. Therefore, with a seven (7) member Planning Board, four (4) members must vote in favor of any motion for it to be passed, regardless whether there are only five (5) members present at the particular meeting. The decision will be reflected by the motion made by a Planning Board member, which must then be seconded by a different Planning Board member, and voted upon. The motion will be reflected and recorded in the meeting minutes.

Decision Documents may be drafted in advance of an applicant's final meeting and discussed during the Planning Board's final review of the proposed project. The Decision Document and any amendments made during the meeting may be part of the final motion to approve/deny, which must then be seconded and voted upon.

VI. Procedures and Processes

General Planning Board Meeting Procedures

Sketch Plan Conference

(Required for all applications with the exception of lot line changes and minor subdivisions)

All applicants shall provide a written narrative description of the proposed project and attend one or more initial meetings with the Planning Board to review the proposed project. At the initial meeting, the applicant shall describe to the Planning Board the project and answer initial questions from members of the Planning Board.



Town of New Lebanon Planning Board Procedures for Members

The Planning Board may ask for additional items of information to be provided as part of a complete application (such as letters from designated local, county, or state organizations providing input on the project; clarification on items within the narrative which could include additions to the narrative; drawings; etc.) The Planning Board may request additional items of information at future meetings if information provided remains unclear or opens new questions.

The Planning Board may determine they have enough information regarding a specific proposed project to make a motion and vote to send the proposed project to a Preliminary Conference. The Planning Board may also determine that due to the amount of additional information items required and the expected length of time for an applicant to obtain said items, that the proposed project will remain on the agenda as a Sketch Plan Conference until such time as all information is received or expected within a suitable time frame.

Preliminary Conference

Following a passed motion to send the matter to Preliminary Conference at the conclusion of a Sketch Plan Conference, the applicant may provide a complete application form, supporting documents, drawings, and associated fees to the Planning Board Clerk no later than (10) ten business days in advance of the Planning Board Meeting. The Planning Board Clerk shall review each application and supporting documents for completion based on the Planning Board's review of the proposed project at the Sketch Plan conference. Incomplete applications will not be included on the agenda and the applicant will be provided a list of missing documents by the Planning Board Clerk.

At the Preliminary Conference, the applicant shall describe the project to the Planning Board, using written and graphical documentation. The Planning Board may ask for additional items of information based on the updated information provided with the formal application.

The Planning Board may ask questions and the applicant will answer them. The Planning Board may discuss proposed limitations on the proposed project scope or site based on review of the project in conjunction with the applicable Code section. Additional information is found in further sections of this document.

The Planning Board may determine they have enough information regarding a specific proposed project to make a motion and vote to send the proposed project to a Public Hearing and Final Review. The Planning Board may also determine that due to the amount of additional information items required or incomplete items and the expected length of time for an applicant to obtain said items, that the proposed project will remain on the agenda as a Preliminary Conference until such time as all information is received or expected within a suitable time frame.



Town of New Lebanon Planning Board Procedures for Members

If the Planning Board determines the application is complete and any additional information required can be obtained within a suitable time frame, the members may make a motion and vote to approve setting a Public Hearing and Final Review of the project at the next subsequent meeting.

When a project is approved for Final Review and a Public Hearing is set, the Planning Board chairperson shall also recommend to the board that the project be submitted to the County Planning Board for their review and input if the application meets the requirements of Town Law 239 and ask that the clerk submit the project to the County Planning Board following the setting of the Public Hearing.

Public Hearing

A public hearing shall be noticed to the public and all abutters made aware of said public hearing per state municipal law.

At the beginning of the public hearing, the Planning Board chairperson will explain the manner in which the public hearing is to be held, including any time limits which may be set for each individual. They may then invite the applicant and/or the applicant's representatives to briefly explain the proposed project to those in attendance. The chairperson may also invite the Town's representatives who have been providing review on the proposed project, such as the Town engineer, to speak on the proposed project.

The public will be invited to address the Planning Board with comments about the project. All comments shall be directed to the Planning Board who may choose to respond to inquiries or simply listen to the public. The chairperson or board members may, as a result of issues that are raised by the public, ask for specific responses from the applicant. All dialogue shall be addressed to only the Planning Board

Once the public has been provided time to speak, the chairperson shall request a motion from the board to close the public hearing. Alternatively, if issues arise or additional information is requested, the Planning Board may decide to hold the public hearing open (for oral comment, written comment only, or both) until the next regularly scheduled Planning Board meeting. If this should happen, additional comments and questions may be received by the board from the public until such time the board closes the public hearing.

Final Decision

Following the closure of a public hearing (if required) or after the presentation by the applicant, the Planning Board members present shall discuss the proposed project, the findings and



**Town of New Lebanon
Planning Board
Procedures for Members**

comments made by Town representatives and other local, county, and state organizations, and review the project to ensure alignment with the Town Codes and Laws, SEQRA, the Town Comprehensive Plan, the Natural Resource Conservation Plan, and other related governing documents. The members shall also discuss any conditions, restrictions, or limits to be placed on the proposed project, which will be reflected in the Decision Document. A draft of the Decision Document may be created or specific wording proposed in the motion prior to acting on the application.

Following discussion and review, the Planning Board shall first make a motion and vote on SEQRA. Following a SEQRA determination, the Planning Board will make a motion to take action on the application and make their final decision.



Town of New Lebanon, NY
Zoning Board of Appeals
Procedures for Applicants
(Variances, Interpretations)

When the Zoning Enforcement Officer (ZEO) denies your request for a zoning permit on the basis that it does not comply with zoning, or you do not agree with how the ZEO interpreted the zoning code, you may appear before the Zoning Board of Appeals (ZBA) to appeal that decision. The following are the procedures that will apply should you choose to appeal:

1. File an application. The ZBA Appeals Application must be completed and submitted to the ZBA. The application will contain the legal standards upon which a use or area variance will be reviewed by the ZBA. These standards are also in the Town Code.

If you file your application at least 18 days in advance of the next regularly scheduled meeting of the ZBA (first Tuesday of the month), you may be able to complete the appeal process in one meeting, which would include the required Public Hearing. If you are unable to submit your application within that time frame, you have the option to file within five days of the ZBA meeting and have a preliminary meeting with the ZBA to explain your application. A Public Hearing will ordinarily be scheduled for the following month.

The ZEO/Administrator in Town Hall (Building Department) will guide you as to the application forms you will need to complete and the documents you will be required to submit along with the application, such as sketch plans which demonstrate the dimensional relief you are seeking, the location of your property lines and structures on the property. .

2. Notify Abutters. The Planning/Zoning Clerk (P/Z Clerk) will also explain the requirements for notifying the abutters to the property involved with your application as well as provide you with the names and addresses of all who qualify as abutters. You will send a letter by Certified Mail to each abutting property owner stating the date of the Public Hearing for your appeal request and the substance of the relief you are seeking. Proof of mailing must be provided to the Planning/Zoning Clerk in advance of the meeting. The public hearing allows abutters to attend the Public Hearing to comment on your application and the impact to their properties.

The Planning/Zoning Clerk (P/Z Clerk) will send a copy of your application to the Columbia County Planning Department, if required by the circumstances of your application. A decision by the ZBA cannot occur until the County Planning Board has issued their recommendation on the application, or 30 days have elapsed and it has not offered comment.

3. Appearance before the ZBA. On the scheduled date of the meeting, the ZBA will give you an opportunity to explain your application based on the legal criteria. This should focus on why you should be granted a variance from the Zoning Code using the rationale of the standards in the application or providing evidence of why the ZEO's interpretation of the code is incorrect. Your presentation must give your rationale for each of the applicable legal standards. Following your presentation, any other interested party may speak at this hearing or provide comments in writing, which will be included in the record. While public input is important, it is not the only deciding factor. After hearing all commentary and if there is no further information requested by the ZBA, the Public Hearing will be closed.

If you were unable to meet the 18 day filing deadline but opted to appear before the ZBA in advance of Public Hearing, you will present your case and the Public Hearing will be scheduled for the following month. The ZBA may ask you to provide additional information to clarify your application.

Following the Public Hearing, the ZBA will then deliberate. ZBA members may ask you additional questions about your request or ask for clarification on the documents you submitted. If necessary, the ZBA may request additional information which will be considered at its next regularly scheduled meeting date. If additional information is not needed, the ZBA may come to a decision on your request.

4. **Decision.** A decision document will be prepared within five (5) days of the decision being rendered. You may need this in order to obtain the necessary building permits. If the ZBA denies your request, you may appeal by filing what is called an "Article 78" in the State Supreme Court.

Please note that these procedures will apply if you are seeking a use or area variance or if you are seeking a review of an interpretation of the Zoning Code made by the Zoning Enforcement Officer. There are separate procedures if you are applying for a special use permit that does not require site plan review. There are two types of variances:

Area Variance. It is understood that not every property can comply with the dimensional requirements imposed by the Town Zoning Code. The purpose of the ZBA is to provide relief in those cases where strict compliance with the dimensional requirements is not possible and the variances meet the criteria of the legal standards.

Use Variance. A use variance is necessary when the proposed use is not allowed within the zoning district. This is a much harder variance to obtain because of the legal standards which must be met to be granted this type of variance. NYS Law requires, among other items, the property owner to provide financial evidence that no use permitted for that property can provide a reasonable return on the owner's investment. In New York State, this is a very high standard and a very small percentage of use variance applications are granted.

For additional information on handling variances in New York, you may want to consult the Coon series of documents promulgated by New York State located at the below link.

<https://dos.ny.gov/system/files/documents/2019/05/zoningboardofappeals.pdf>

Building Department Applicant Flow Chart



