

**MINUTES OF THE REGULAR MONTHLY MEETING OF
THE TOWN BOARD OF THE TOWN OF NEW LEBANON
HELD ON AUGUST 10, 2021**

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

Absent: Jesse Newton, Councilmember

Recording Secretary: Marsha “Marcie” Robertson, Town Clerk

Others Present: Steve Powers, CAC Member & CSC Chair
Marc Anthonisen, CSC Advisor
Sharon Powers, BEDC
Peg Munves, CAC & CSC & BEDC Member
Erminia Rasmussen, BEDC
Chris Dreyfus, MOW
Members of the Public

CALL TO ORDER:

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

A moment of silence was held in remembrance of Phyllis Hulbert, a longtime community member who recently passed away, 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 **July 13th, 2021 Regular Meeting and the July 28th, 2021 Special Meeting** were reviewed. A motion was made by Supervisor Houghtling, seconded by Councilmember Trainor and approved unanimously with the exception of Councilmember Newton, who was absent to approve the minutes as typed.

FINANCIAL:

Supervisor’s Report:

Since this was an in person and live streamed meeting the Supervisor’s Report as of July 31st, 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 Rasmussen to accept the Supervisor’s report as typed. The motion was seconded by Councilmember Trainor.

Roll Call Vote:

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

PRIVILEGE OF THE FLOOR:

Supervisor Houghtling read the following email that she received from Christine Dreyfus:

On tonight’s agenda OLD BUSINESS #4 is “Skatepark – Location and Concrete Bids”

I am asking the Town Board to ***table any decisions tonight*** on the Free Skatepark until the following issues have been determined.

1. The Skatepark was built and housed indoors. It is made of plywood. It currently sits outdoors in Shatford Park where it will remain. I asked a friend, not an engineer, but with 40 years in the construction business, to take a look. His immediate suggestion was to ask the Town Engineer for an assessment.

Has the Town Engineer inspected it? Is that not prudent in this case? Do you have an idea how long the indoor construction will last outdoors? Are indoor and outdoor Skateparks constructed of similar materials? Who will be responsible for ensuring that it is safe for use by our kids?

2. From tonight on, the Free Skatepark ceases to be Free.

I’ve heard \$25,000 estimated for the concrete slab. That is an eye-popping departure from Free—and that’s just the beginning.

Does it require special installation? Who will install it? Who will supervise? Special inspection? By whom? Who will sign off that it’s safe?

3. The Skatepark once open, will need to be inspected and maintained. Who will be responsible? The Recreation Department?
4. Where does the money come from for this project that is no longer free?

5. Will the Skatepark have a budget? How much do you envision?

These questions, and others I’m sure, should be addressed *before* the Town Board heads into a new and potentially hazardous as well as costly venture.

Free is seductive. Reality is something else. Please stick to reality as you make decisions for us.

Supervisor Houghtling stated that typically on Privilege of the Floor, the Town Board doesn't respond, they just listen. When the board gets to the agenda item on the skatepark, she would like to address the concerns in the email she read.

BUDGET AMENDMENT #7 OF 2021:

Supervisor Houghtling stated that they took money from the Town Board account for the CEO department change, not realizing that a bill had not been received yet for a training that Councilmember Gordon took, which has now been received and is to be paid. The other amendment is because Supervisor Houghtling unknowingly received the wrong phone and had to return it and order the correct one.

General Fund:

- \$ 64.00 from A-1990.4 (Contingency)
- \$ 60.00 to A-1010.4 (Town Board – Contractual Expense)
- \$ 4.00 to A-1220.2 (Supervisor - Equipment)

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

Roll Call Vote:

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

AUDIT OF BILLS:

2021 BILLS:

General Nos. 262, in the amount of \$342.97;
As listed on Abstract No. 7A dated August 10th, 2021.

General Nos. 263 through 319, in the amount of \$35,393.26;
Highway Nos. 80 through 89, in the amount of \$22,298.96; and
SF-1 LVPA No. 3, in the amount of \$37,052.50;
As listed on Abstract No. 8 dated August 10th, 2021.

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

Roll Call Vote:

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

Councilmember Trainor -
Councilmember Newton-

Aye
Absent

OLD BUSINESS:

Highway Asset Management Plan:

Councilmember Newton is absent, no update.

Cover for Highway Garage Fuel Tank:

Councilmember Newton is absent, no update.

Federal Funding for Towns – Schedule Public Input Session:

Supervisor Houghtling gave an update on what the County is doing. The county has created a small committee to discuss what and how much they want to spend the money on. The County is hiring a professional due to the complex nature of what the funding can and cannot be spent on. Supervisor Houghtling thought it might be worth getting a quote on what that might cost to do this on a town level and you can use the ARPA Funding for that expense.

The board agreed to table this until they have more information.

Skatepark:

Supervisor Houghtling addressed the questions and concerns of the privilege of the floor email. The skatepark was made and built indoors. It is made of plywood and has an outdoor skate light product on top of it that is designed to be outdoors. It does need to be assembled and then have a protective coating put on the sides and the seams. It will need to be treated on an annual basis. The town engineer has not inspected the skatepark but the board could make a decision to have that done.

Based on conversations with Councilmember Newton and other contractors, the skatepark could last anywhere from five to eight years if treated annually, obviously it could last longer if it can be covered with a pavilion. This is something that the board had discussed in the past but that is a bigger expense.

Supervisor Houghtling said that her vision is that the concrete pad for the skatepark can be used for other purposes once the skatepark is no longer usable. She believes the estimate for the concrete slab was around \$20,000.00.

The skate park itself was free and the board knew and agreed in advance that there would be some costs to get it up and running. Up to now it has been all volunteers who have helped out to get the skatepark here and there are professionals who intend to volunteer to lay the concrete slab as well.

The town will apply for any necessary permits and have the building inspector inspect the skatepark when the time comes. The town engineer did prepare the specs for the concrete slab and that is what we went out to bid on.

The town's park maintenance will be responsible for maintaining the skatepark just as they do all of the park assets.

There was money in the budget last year for the skatepark that was not spent that can be brought forward for this year if it hasn't already been done. Any additional funds needed will come out of the parks budget.

The Town Board agreed to look into the cost of having a professional get the skatepark installed, up and running. They also agreed to have the town engineer take a look at the skatepark.

Concrete Bid Notice:

Supervisor Houghtling waived the reading of the bid notice and requested that it be entered into the minutes.

**NOTICE TO BIDDERS
CONCRETE AND MATERIALS FOR
SKATEPARK TOWN OF NEW LEBANON
COUNTY OF COLUMBIA**

NOTICE IS HEREBY GIVEN that the Town of New Lebanon, NY is seeking bids for the following materials for a concrete pad to house a skatepark at Shatford Park, the Town's Municipal Public Park. All materials must be delivered to Shatford Park, 170 Old Post Road, New Lebanon, NY, 12125.

- 1) Concrete with specifications as defined in the document titled "Section 033000 – Cast-in-place Concrete"
- 2) Steel Reinforcement with specifications as defined in the document titled "Section 032100 – Steel Reinforcement for Concrete"

All bids must adhere to all the specifications laid out in the above two documents and in line with the slab detail as drawn and defined in the document titled "Slab Detail Mod (1)". All specification and drawing documents can be obtained by emailing townclerk@townofnewlebanon.com.

Bids will be received by the Town Clerk of the Town of New Lebanon, NY, Town Hall, 14755 Route 22 North, New Lebanon, NY 12125. until 4:00 PM on or before Friday, August 6, 2021. at which time and place they will be publicly opened and read aloud, with the contract being awarded, if acceptable, on August 10, 2021, 7:00 PM, at a Regular Meeting of the Town Board at 14755 Route 22, New Lebanon, NY 12125.

No bid will be accepted unless a signed Certificate of Non-Collusion is submitted with the bid. All bids must be submitted in a plain, unmarked envelope with "Concrete Bid" written on the envelope.

The Town of New Lebanon Town Board expressly reserves the right to waive any irregularities in or to accept any bid or to reject any and all bids or to award on any or all items. No bidder may withdraw his/her bid within twenty-five (25) days after the actual date of the bid opening.

By order of the Town Board, Town of New Lebanon, NY

By: Marcie Robertson, Town Clerk
Town of New Lebanon, NY
7/19/2021

Supervisor Houghtling asked Town Clerk Robertson to enter the bid results into the minutes:

**BONDED CONCRETE,
INC.**

P.O. BOX 189 · WATERVLIET, NY
12189 Ph: (518) 273-5800 · Fax: (518)
273-6134

August 5, 2021



CONCRETE QUOTE-P.O. for: **Town of New Lebanon Shatford Park**

Ready Mix Concrete Pricing - 4" slump, 3 cu yd batch minimum

4000 psi	\$	104.00	per cu yd
Polypropylene Micro-Fiber (1 bag/cy)	\$	8.00	per cu yd
Mid-Range Water Reducer (6" slump)	\$	4.00	per cu yd
Super Plasticizer (8" slump)	\$	8.00	per cu yd
Retarder	\$	5.00	per cu yd
Hot Water Automatically charged Nov1 thru April 15	\$	6.00	per cu yd
Non chloride accelerator 1% 12 oz/100wt	\$	5.00	per cu yd

2% 24 oz/100wt	\$	10.00	per cu yd
Saturday delivery charge	\$	90.00	per load

If this quote is accepted within 90 days, the above pricing will remain valid through 12/31/2021.

Bonded Concrete Inc.'s General Terms and Conditions are applicable (see attached).

A Fuel Surcharge of \$8.00 per load will be assessed when the price of diesel reaches \$3.50 per gallon and will increase 20% for each 50¢ increase in the diesel price above \$3.50 /gal.

A motion was made by Councilmember Rasmussen to accept the bid from Bonded Concrete. The motion was seconded by Councilmember Trainor.

Roll Call Vote:

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

Estimates for Highway Furnace:

Councilmember Newton is absent, tabled.

Bid for Park Fencing:

Councilmember Newton sent the quotes he received but felt they are a bit high due to the cost of lumber right now. The board agreed that they should wait until the spring and see if the cost of lumber has gone down.

Bid for Power to the Mower Shed in Park:

Councilmember Newton is absent, tabled.

Ethics Code Changes – Introductory Local Law #2 (to be LL#3) of 2021:

A motion was made by Supervisor Houghtling to adopt Introductory Local Law #2 of 2021 as Local Law #3 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-	Absent

See Addendum A

Annual Highway Bids Tabled:

Supervisor Houghtling stated that last month they received annual highway bids and they tabled the sand, stone and gravel bid. Councilmember Newton had told the board that Highway Superintendent Winestock wanted to go with Colarusso's bid which was higher than the Troy Sand & Gravel bid. Councilmember Rasmussen had pointed out that in order to do this, they would need some documentation that the higher bid was added value. Supervisor Houghtling wrote a letter to Highway Superintendent Winestock explaining that the Town Board was asking for a written letter from him stating his claim that the quality of materials from the lowest bidder are not the same caliber of quality from the higher bidder, therefore in the long run the town would spend more money by having to repair the roads more often with the lesser quality material. Supervisor Houghtling stated that the board did receive a letter from Highway Superintendent Winestock as requested.

A motion was made by Councilmember Rasmussen to accept the bid from Colarusso and Son's for sand, stone, gravel and crusher run. The motion was seconded by Councilmember Gordon.

Roll Call Vote:

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

Attorney Fees:

Supervisor Houghtling stated that at last month's meeting she made the board aware that if they continue the way they are, they will run out of the money that was budgeted for attorney fees. The Town Board held discussion on this, they reviewed the attorney bills for this year, they went over the attorney costs for the past ten years and they did a comparison with other towns.

Supervisor Houghtling commented that when you have a very active Supervisor, Town Board, Planning Board and Building Department you will have higher attorney fees. She also commented that this year there have been several things that came up that cannot be planned for that required attorney involvement. It was also pointed out that the Planning Board has never had the attorney before and this has been made available to them this year.

The question to the board was do they want to continue with the ongoing projects that require the attorney involvement, like the Comprehensive Plan Rewrite, Zoning Rewrite and Zoning Overlay or do they want to put a stop to them for now and possibly limit the involvement with the Planning Board.

The board went over the most recent bill from the attorney as an example of the many different things that the attorney can be involved in and held further discussion on the matter. The town will need to have the attorney involved with the Teamsters Union negotiations, so there will be more legal fees to come and the Town Board agreed not to stop the Comprehensive Plan Rewrite or the Zoning Rewrite. The board agreed that they will ask all departments to use the attorney only when necessary and move forward with ongoing projects.

Land Donation Offer:

Supervisor Houghtling reported that there are a few loose ends that are being tied up currently on the Ceramtec property donation. Those loose ends may or may not be tied up in August. The town attorney thinks, if the board is inclined to do so, the transaction is close enough now for the board to authorize closing the transaction, subject to town attorney final review and approval.

The attorney suggests that he and the board have an attorney-client privilege session, doesn't have to be an official meeting, so that he can review the due diligence items with the board, once they are fully completed. This may be done after the board authorizes the closing, but before the closing itself.

The alternative would be to wait until the loose ends are tied up, then hold an attorney-client session concerning the due diligence items and then authorize closing afterwards at a meeting. The attorney thinks either approach will work, it is up to the board on how they want to proceed.

The Town Board held discussion on the matter as well as the Rail Trail piece.

The Town Board agreed tonight that no action will be taken at this time, no motions were made. They all agreed to wait until the loose ends are tied up and then move forward.

NEW BUSINESS:

Policy Review – Investment Policy & Historic Items Policy:

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

Investment 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 with the exception of Councilmember Newton who is absent to mark the Investment Policy as reviewed with no changes.

Historic Items 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 with the exception of Councilmember Newton who is absent to mark the Historic Items Policy as reviewed with no changes.

Teamsters Acknowledgement Resolution:

Supervisor Houghtling read the Teamsters Acknowledgement Resolution:

TOWN OF NEW LEBANON

RESOLUTION # 22, 2021

TEAMSTERS ACKNOWLEDGEMENT RESOLUTION

AUGUST 10, 2021

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 10th day of August 2021, the following Resolution was proposed and seconded:

Resolution by Supervisor Houghtling
Seconded by Councilmember Rasmussen

Teamsters Acknowledgement Resolution

WHEREAS, the Town Board has received a formal request from Teamsters Local Union 294 to be recognized as the exclusive collective bargaining representative for all paid full time Highway Department employees, including; MEO, senior MEO, and Working foreman (to the extent that such positions exist within the Town), excluding all others.

WHEREAS, a majority of the Highway Department employees employed by the Town of New Lebanon have designated International Brotherhood of Teamsters Local 294 as their sole collective bargaining agent by duly signing authorization cards.

RESOLVED, that Teamsters Local Union 294 is hereby recognized as the exclusive bargaining representative for the above-described Town of New Lebanon Highway Department employees.

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

Roll Call Vote:

Councilmember Norman Rasmussen	Aye
Councilmember Deborah Gordon	Aye
Supervisor Tistrya Houghtling	Aye

Councilmember John Trainor

Aye

Councilmember Jesse Newton

Absent

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

Dated: August 10, 2021

Marcie Robertson

New Lebanon Town Clerk

Request for County 9:

Supervisor Houghtling reported that she received a request from a resident regarding County Route 9. The request was also sent to the Canaan Supervisor because the road is in both towns. One request was a speed limit reduction request, which the Town of New Lebanon has already done. The other request was to ban large vehicles of either a certain size or weight or both. Supervisor Houghtling mentioned that she has received similar concerns about County Route 5 as well. Supervisor Houghtling commented that what is happening is that due to the condition of State Route 22, the larger vehicles are traveling different roads like County Route 9 and County Route 5. Also, GPS sends you one of those ways as the shortest travel and neither of those roads are really made for large vehicle travel. Supervisor Houghtling continued to say that both County 5 and County 9 are just not made for traffic from large heavy trucks.

Supervisor Houghtling reached out to Columbia County DOT since these are county roads and they do not currently have a weight restriction on these roads. However, the Town can request a weight and/or size restriction for through traffic that would still allow vehicles like garbage trucks, modular home, UPS deliveries to still have access to the residents on the road on both County 5 and County 9. Supervisor Houghtling thinks if we are going to do a request for County 9, then we should include County 5 as well. Supervisor Houghtling stated that if the board is in favor of this, they can then go to the Town of Canaan Town Board and see if they are willing to do the same for the roads on their end.

A motion was made by Councilmember Trainor, seconded by Councilmember Rasmussen and approved unanimously with the exception of Councilmember Newton, who is absent to authorize Supervisor Houghtling to work with the Town of Canaan potentially as a joint application or if not as a single application on requesting a size and weight limit on County Route 5 and County Route 9.

CAC Resignation and Letter of Interest:

Supervisor Houghtling stated that we received a resignation from Paul Rix from the CAC.

A motion was made by Supervisor Houghtling, seconded by Councilmember Trainor and approved unanimously with the exception of Councilmember Newton, who is absent to accept the resignation from Paul Rix from the CAC.

Supervisor Houghtling reported that now leaves two vacancies on the CAC. We did receive a letter of interest from Tyler Fogg to fill the unexpired term of Paul Rix, which will still leave one vacancy on the CAC. The CAC did vote unanimously to appoint Tyler Fogg to the vacancy.

A motion was made by Supervisor Houghtling, seconded by Councilmember Gordon and approved unanimously with the exception of Councilmember Newton, who is absent to appoint Tyler Fogg to the CAC to fill the vacancy that expires 12/31/2022.

The board agreed not go out for letters of interest for the one vacancy on the CAC at this time. When there are other vacancies on other boards or committees, it can be included in the notice. There was also a recommendation to put vacancies on the town website. Town Clerk Robertson will work on this.

Update on Route 22 Paving from NYSDOT:

Supervisor Houghtling updated the board and the public that she has been meeting regularly with the NYS DOT regarding the condition of State Route 22 and now State Route 20 that is falling apart going up Lebanon Mtn.

Supervisor Houghtling received a letter from the NYS DOT informing her that they plan to resurface a portion of Route 22 from the intersection of Route 20 and 22 heading towards Canaan direction, which will be all of the New Lebanon portion of Route 22. The project is scheduled to begin in the Spring/Summer Construction Season of 2022. She will continue to work on the Route 20 section.

Cemetery Printing Request:

Supervisor Houghtling stated that they received a request from Doug Banker on behalf of the Cemetery of the Evergreens and a project that he is working on scanning of the Cemetery's typed burial records into a word file. The burial records are used by the secretary and the Superintendent to keep track of who is where, dates of birth and death and which people are veterans. Doug stated that it would behoove the cemetery to have two fresh paper copies of the book for reference, would the Town Board approve the Town Clerk to print the book as they move along. The cemetery will provide the paper.

A motion was made by Supervisor Houghtling, seconded by Councilmember Rasmussen and approved unanimously with the exception of Councilmember Newton, who is absent to approve up to 700 pages for the Cemetery of the Evergreens printing.

Compensation Plan Committee:

Supervisor Houghtling stated that they had a group that worked on compensation levels for the town. The first phase was to equalize within the town, which they have completed. The second phase was to compare our pay rates with that of other towns, which still needs to be

completed. Supervisor Houghtling stated that she would like, before budget meetings to complete this second phase.

The Compensation Committee will consist of Supervisor Houghtling, Town Clerk Robertson, Councilmember Rasmussen, Sharon Powers and hopefully Cissy Hernandez will return to the committee as a prior participant. Supervisor Houghtling will follow-up with Cissy Hernandez to see if she is interested.

Set Budget Workshops for October:

Supervisor Houghtling stated that we need to schedule upcoming budget workshops. The forms need to be sent to each department by September 1st, 2021 and returned to the Supervisor no later than September 20th, 2021. The Tentative Budget has to be filed no later than September 30th, 2021.

The following Budget Workshop Dates are scheduled:

Tuesday, October 12th, 2021 @ 6:00pm

Tuesday, October 19th, 2021 @ 6:00pm

Thursday, October 21st, 2021 @ 6:30pm

Wednesday, October 27th, 2021 @ 6:00pm

County Self-Insured Program – Workers’ Compensation Resolution:

Supervisor Houghtling stated that the town gets their Workers’ Compensation coverage through Columbia County and the County is changing their provider. The town will need to adopt a resolution and the supervisor has to sign a contract. The cost to the town will remain about the same.

The resolution was not read into the minutes, but will be entered in its entirety.

TOWN OF NEW LEBANON

RESOLUTION # 23, 2021

COUNTY SELF-INSURED PROGRAM – WORKERS’ COMPENSATION RESOLUTION

AUGUST 10, 2021

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 10th day of August 2021, the following Resolution was proposed and seconded:

Resolution by Councilmember Trainor

Seconded by Councilmember Gordon

RESOLUTION TO JOIN MUNICIPAL GROUP SELF-INSURANCE PROGRAM

WHEREAS, the Authorized Representative of the Town of New Lebanon desires to secure the Town of New Lebanon's obligation to provide volunteer firefighters' benefit law, volunteer ambulance workers' benefit law and workers' compensation benefits, as applicable, through participation in a group self-insurance program of which the Town of New Lebanon will be a member,

The Authorized Representative of the Town of New Lebanon, duly convened in regular session, does hereby resolve, pursuant to, and in accordance with the provisions of Section 50 3-a of the New York State Workers Compensation Law and other applicable provisions of law and regulations thereunder, as follows:

Section 1. The Authorized Representative (hereinafter "Representative") of the Town of New Lebanon does hereby resolve to secure the Town of New Lebanon's obligation to provide volunteer firefighters' benefit law, volunteer ambulance workers' benefit law and workers' compensation benefits, as applicable, through participation in a group self-insurance plan of which the Town of New Lebanon will be a member;

Section 2. The Representative of the Town of New Lebanon does hereby resolve to become a member of Public Employer Risk Management Association, Inc., a workers' compensation group self-insurance program for local governments and other public employers and instrumentalities of the State of New York;

Section 3. In order to effect the Town of New Lebanon's membership in said group self-insurance program, the authorized officer of the Town of New Lebanon is hereby authorized to execute and enter into the Public Employer Risk Management Association Workers' Compensation Program Agreement, annexed hereto as Exhibit A, on behalf of the Town of New Lebanon.

Section 4. This Resolution shall take effect immediately for coverage effective August 1, 2021.

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

Roll Call Vote:

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

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

Dated: August 10, 2021

Marcie Robertson, New Lebanon Town Clerk

Planning Board Procedures for Applicants:

Supervisor Houghtling added to the agenda the Planning Board Procedures for Applicants, it is a flow chart that guides the applicant in the process on how to go through a Planning Board Application.

A motion was made by Supervisor Houghtling, seconded by Councilmember Trainor and approved unanimously with the exception of Councilmember Newton, who is absent to adopt the Planning Board Procedures for Applicants and authorize the Building Department and Planning Board Chair to make edits as needed.

See Addendum B

Deputy Court Clerk Resignation and Notice of Vacancy:

Supervisor Houghtling stated that we just received a resignation from the Deputy Court Clerk, her last day will be Thursday, August 12th, 2021.

A motion was made by Supervisor Houghtling, seconded by Councilmember Trainor and approved unanimously with the exception of Councilmember Newton, who is absent to accept the resignation from Jennifer Schroder as Deputy Court Clerk.

A motion was made by Supervisor Houghtling, seconded by Councilmember Trainor and approved unanimously with the exception of Councilmember Newton, who is absent to go out for letters of interest for Deputy Court Clerk, utilizing the same format that went out not that long ago, with letters of interest due on Friday, September 10th, 2021 at 4:00 PM.

COMMITTEE/LIAISON REPORTS:

Assessor (Councilmember Rasmussen):

Councilmember Rasmussen reported that Kim Smith, Assessor is out in the field and taking pictures and verifying records. This must be done at least one time for each property in a six-year time period to continue to qualify for Aid, she does some year to year.

According to the 2019 reassessment plan filed with ORPTS we were set to conduct a reassessment for the year 2022. The Assessor is going to be sending in a modified plan to delay until 2023. The Assessor will include the cost of a 2023 reassessment in the upcoming budget.

Building Department (Councilmember Rasmussen):

Councilmember Rasmussen stated that there is no news to report.

Business & Economic Development (Councilmember Gordon):

Supervisor Houghtling reported for the Outreach and Marketing Sub-Committee of the BEDC, that they have been hard at work. They received a total of forty-four slogan suggestions. The Sub Committee met today and narrowed it down to twelve potential slogans and they will be brought before the full BEDC to hopefully narrow it down to five possibilities that will go to the public for a vote. At the September Music in The Park there will be a table where residents can cast a vote. The results of the public vote will then go before the Town Board at the October meeting for a vote.

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

Supervisor Houghtling stated that Councilmember Gordon is on a lot of committees that require a lot of meetings, so unfortunately, she is stepping down from the CAC, Environmental Management and Climate Smart Task Force and Councilmember Trainor will be taking her place on those committees.

Peg Munves, CAC Member on behalf of the CAC welcomed Tyler Fogg as a new CAC member.

The raptor program for the Summer Youth Program at the Pavilion in Shatford Park, scheduled for 12:30 P.M. on August 19. The Sharon (CT) Audubon Society will provide the program.

Trees for Tribes, TFT, they would like the spigot to be installed at the baseball field shack if possible! They have been blessed with excellent rain fall for 5 weeks and the plants are thriving! They checked all the plants and most are doing well. They have several water barrels around the plantings and got more hoses so watering will be much easier. Volunteers have been outstanding and they simply couldn't do this without them. So far volunteer hours exceed 370.

They are working on a plan to the Town Board for the remainder of the Shatford Park TFT project including locating all the remaining plants, some education and outreach to the community, and re-doing some of those already planted where Tistrya and others had concerns. They will have that for the board in October for their approval and they think the board will be happy with it.

They had a CAC table at the Music in the Park. Not much interest from anyone to walk with them to see trees and shrubs, but they did give out some fact sheets and they spoke with about 12 people. Some complaints, but some thank yous as well.

They are continuing their training on CRITICAL ENVIRONMENTAL AREAS, CEAs, with once-monthly meetings and find them very helpful. Under the guidance of Gretchen Stevens from HUDSONIA, the team includes Tistrya, Deb, David Farren, Steve Powers, Donald Lamonaca, and Bruce Shenker. Several CAC members, including herself and Adelia Moore and Bob Gilson are observers and are also learning about CEAs as well.

They are coordinating efforts with the CSC Task Force concerning Flood and Hazard Mitigation and look forward to that collaboration.

The Source Water Protection Plan by Steve Winkley of NY Rural Water Assoc. is nearing completion.

Steve Powers, CSC Chair reported that the Community Picnic was a big success! It was a good way to get the word out about their CSC programs to town residents. The proposed Repair Café on October 23rd, 2021 drew a lot of buzz and as you may have seen got them coverage in both The Columbia Paper and the Eastwick Press.

At the last CSC meeting they had a presentation by Jim Yienger of Climate Action Associates on his Community Greenhouse Gas inventory for New Lebanon. It is a work in progress but gave them an understanding of the parameters that he and the EPA uses when compiling one.

Community solar status, they now have 26 signups and trying for as many as possible.

Battery recycling program update, there are boxes in four locations and starting tomorrow they will have another at the new Farmers Market indoor location. So far, they have recycled 129 pounds of batteries that won't be going into landfills.

The CSC is coordinating with Cissy to include electronics recycling on the same day as the Town Cleanup on September 18th, 2021.

Supervisor Houghtling gave an update on the EV Charging station. The electrical pole has been replaced by NYSEG, the electrician went the other day and dug the trench, the crusher run has been delivered to Andrew Sandstrom's place, he is volunteering to lay the fabric and crusher run when it is ready for it. Hopefully in the next week or two they will be getting the EV Charging Station up and running.

Based on the requests of residents the CSC will be recommending NY State approved vendors on website for rooftop solar and heat pumps.

The bike program has now distributed 60 bikes to residents, 30 bikes repaired for residents and 20 more in the barn.

The Free Store will have a joint event along with the Repair Café on October 23rd, 2021 at the LVPA to distribute all the clothes they've collected.

In addition, when the CSC submitted for Bronze, they had the Recycling at Town Offices action item rejected because the town didn't have an official policy. The CSC is asking that the Board officially adopt the following: "Submit evidence that the local government has a policy requiring placement of recycling bins wherever there is a trash bin; this can take the form of a resolution, executive memorandum, executive order, or it can be part of an employee handbook."

A motion was made by Supervisor Houghtling, seconded by Councilmember Trainor and approved unanimously with the exception of Councilmember Newton, who is absent that the Town Board adopt a policy requiring the placement of recycling bins wherever there is a trash bin in the Town Hall.

Bruce Shenker, Environmental Management Bruce was not able to make tonight's meeting, Supervisor Houghtling read his report:

Bruce reported that a large percentage of the meeting was the presentation of the Good Earth keeping awards, of which our own Marc Anthonisen was a recipient. There was some discussion about the Shephards Run solar project in Copake but not action taken.

Towns shared climate smart progress with very successful solarize campaigns in Chatham and Ancram. A solarize program is just beginning in Kinderhook village.

Jolene Race, Director, Columbia County Solid Waste Department is preparing a grant application for a composting pilot project at a county transfer station, probably the one in Hudson.

On the county climate smart front Force; Resolution to Launch a Community Solar Campaign in Columbia County and a Resolution to Initiate a Municipal Building Energy Benchmarking Program.

Also, a Draft Resolution Establishing Energy Benchmarking Requirements for Municipal Buildings was created for consideration by the County Board of Supervisors which specifies the program requirements at the County level.

Alejandra Plaza Limón, a student intern working on the project has put together a road map documenting all County activities. A session for individual town Climate Smart committees to share experiences and ask questions will take place in the fall.

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

Councilmember Trainor didn't have the LVPA reports that were emailed out. Supervisor Houghtling found the email and read the following activity summary:

9 Emergency Calls, 2 Drills and Training, 5 Other, 74 People and 197.77 Man Hours.

Highway (Superintendent Winestock & Councilmembers Newton):

Councilmember Newton is absent, no report.

Historian & LVHS: (Councilmembers Trainor):

LVHS:

Councilmember Trainor reported that the LVHS attended Music in The Park and will be at the next one in September. They have two programs coming up, one on October 3rd, 2021 and one October 17th, 2021. Councilmember Trainor reported that he had a nice meeting with the Town Historian and the coordination between the LVHS and the Historian is getting better and better.

Historian:

Councilmember Trainor read the Historian's report:

Report of the Town Historian

July 13 – June 10, 2021

Met with members of the Hendrick Hudson NSDAR, Cemetery of the Evergreens Trustees, representatives from the Floyd Carlton American Legion Post, representative from the LVHS, the town supervisor, and Sharon Moon at the Cypress Hill Cemetery: a project is underway to record and catalogue the Revolutionary War veterans buried in the Cypress Hill Cemetery.

- Provide documentation of the service the veterans provided during the Revolutionary War and create a data base to preserve the information.
- Work with the Cemetery Trustees and Sharon Moon to identify the proper location of the grave sites.
- Work with the DAR on a ceremony honoring the veterans at the conclusion of the research.

Attended the meeting of the board for the Lebanon Valley Historical Society to update them on research and projects

Held the regular meeting with Glenn Fisher to discuss on-going research.

Created a data base of COVID-19 statistics for Columbia County and the Town of New Lebanon.

The data base will be updated as numbers are posted on the Columbia County Department of Health's webpage. As of August 9, 2021 here is the breakdown of cases in Columbia County:

- Total # of cases – 4,395
- Active cases – 27

- Mandatory quarantine – 35
- Hospitalizations – 2
- ICU – 0
- Deaths – 96
- Last Town of New Lebanon statistic (12/18/20) – 26 cases

Vaccination rates

- 61% of all Columbia County residents
- 72.2% of residents 18 and older
- 82% of residents 65 and older

Researched cemetery records at the New Lebanon Library. The last survey was conducted by the New Lebanon Women’s Club in 1986.

Justice Court/Constable (Councilmember Trainor):

Councilmember Trainor stated nothing to report.

Library (Councilmember Trainor):

Councilmember Trainor reported that Michelle sends an email weekly on the activities to take place at the Library and has taken over quite nicely for Moriah.

Buildings, Parks & Recreation (Councilmembers Newton):

Councilmember Newton is absent, no report.

Seniors (Councilmember Gordon):

Councilmember Gordon did not receive an update from Mary Young and she is not at tonight’s meeting, no report.

Volunteers (Councilmember Rasmussen):

Councilmember Rasmussen reported they had one request that was filled and working on another one that he received today.

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

Comparison Committee (Councilmember Trainor & Gordon):

Councilmember Trainor stated that he has not yet gotten up to speed yet. Councilmember Gordon hasn’t had a chance yet to meet with Councilmember Trainor.

ANNOUNCEMENTS:

SEPTEMBER:

Sunday, September 5th, 2021 – MITP @ 1:00pm at Shatford Park

Tuesday, September 14th at 7:00 pm – Regular Meeting at the NL Town Hall

OCTOBER:

Tuesday, October 12th at 6:00 pm – Budget Workshop at the NL Town Hall

Tuesday, October 12th at 7:00 pm – Regular Meeting at the NL Town Hall

Tuesday, October 19th at 6:00 pm – Budget Workshop at the NL Town Hall

Tuesday, October 21st at 6:30 pm – Budget Workshop at the NL Town Hall

Tuesday, October 27th at 6:00 pm – Budget Workshop 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 8:47pm. The motion was seconded by Councilmember Trainor.

Roll Call Vote:

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

Respectfully submitted,

Marcie Robertson
New Lebanon Town Clerk

Addendum A

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

Local Law Filing

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

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

County City Town Village
(select one.)

of New Lebanon

Local Law No. 3 of the year 2021

**A LOCAL LAW TO AMEND CHAPTER 16 OF THE CODE OF THE TOWN OF NEW
LEBANON**

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

See attached.

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

A mubnsbbA

TOWN OF NEW LEBANON

LOCAL LAW NO. 3 OF THE YEAR 2021

**A LOCAL LAW TO AMEND CHAPTER 16 OF THE CODE OF THE
TOWN OF NEW LEBANON**

SECTION 1

This local law shall be referred to as “A Local Law to Amend Chapter 16 of the Code of the Town of New Lebanon”.

SECTION 2

Chapter 16 of the Code of the Town of New Lebanon, entitled “Ethics, Code of; Board of Ethics”, is hereby amended to read in its entirety as follows:

Chapter 16. Ethics, Code of; Board of Ethics

Article I. General Provisions

§ 16-1. Title.

This chapter shall be entitled “A Local Law Enacting a Code of Ethics and Establishing a Board of Ethics for the Town of New Lebanon.”

§ 16-2. Statutory authorization.

This chapter is enacted pursuant to § 806 of the General Municipal Law and § 10 of the Municipal Home Rule Law and is not intended to authorize any conduct prohibited by Article 18 of the General Municipal Law.

§ 16-3. Legislative intent.

The Town Board of the Town of New Lebanon recognizes that there are state statutory provisions mandating towns to establish rules and standards of ethical conduct for public officers and employees which, if observed, can enhance public confidence in local government. The purpose of this chapter is to implement this objective through the establishment of high standards of ethical conduct for officers and employees of the Town, to afford officers and employees of the Town guidance on such standards, to provide for punishment of the violation

of such standards, to create a Board of Ethics to render advisory opinions to the Town's officers and employees as provided for herein, and to provide for the fair and effective administration of this chapter.

§ 16-4. Effect on other Laws.

The standards, prohibited acts and procedures established herein are in addition to any prohibited acts, conflict-of-interest provisions or procedures prescribed by statute and case law relating to the conduct of Town officers and employees. To the extent this chapter is inconsistent with the provisions of § 808 of the General Municipal Law, this chapter shall supersede those provisions.

§ 16-5. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

TOWN

Any board, commission, district, council or other agency, department or unit of the government of the Town of New Lebanon.

TOWN OFFICER OR EMPLOYEE

Any officer or employee of the Town of New Lebanon, whether elected or appointed, whether paid or unpaid, including members of any administrative board, commission or other agency thereof, whether serving in a full-time, part-time or advisory capacity. The term "Town officer or employee" does not include (a) a person who is a member of a volunteer emergency services organization or (b) a person who serves without compensation on a temporary Town committee for a specified term of less than one year, and who is not otherwise an employee or officer of the Town.

Article II. Code of Ethics

§ 16-6. Standards of conduct; conflicts of interest.

- A. No Town officer or employee shall have any interest, financial or otherwise, direct or indirect, or engage in any employment, business, transaction or professional activity, or incur any obligation of any nature, which is in substantial conflict with the proper discharge of the Town officer's or employee's duties in the public interest.
- B. No Town officer or employee shall have an interest in any contract with the Town when such Town officer or employee, whether individually or as a member of a board, has the power or duty to negotiate, prepare, authorize or approve such contract or payment thereunder, audit bills or claims under such contract or appoint an officer or employee who has any of the powers or duties set forth herein.
- C. No chief fiscal officer, treasurer or deputy or employee of the Town shall have an interest in a bank or trust company designated as a depository of funds of the municipality. This

subsection does not prohibit ownership of up to 5% of the outstanding shares of such bank or trust company.

- D. No Town officer or employee shall accept employment or engage in any business or professional activity which will require such Town officer or employee to disclose confidential information gained by reason of such person's official position or authority. Town officers and employees and former Town officers and employees shall not disclose any confidential information acquired by them in the course of their official duties or use it to further personal interests.
- E. No Town officer or employee shall use or attempt to use such person's official position to secure unwarranted privileges or exemptions for such Town officer or employee or for any third party.
- F. No Town officer or employee shall engage in any transaction as representative or agent of the Town with any business entity in which such Town officer or employee has a direct or indirect financial interest that might reasonably tend to conflict with the proper discharge of such person's official duties.
- G. Each Town officer or employee shall refrain from making personal investments in enterprises which such Town officer or employee has reason to believe may be directly involved in decisions to be made by such person or which will otherwise create substantial conflict between such person's duty in the public interest and such person's private interest.
- H. Each Town officer or employee shall disclose any interest of which such Town officer or employee is aware that such person has in any matters pending before any board of the Town.
- I. No Town officer or employee shall, directly or indirectly, solicit any gift or accept or receive any gift having a value of \$75 or more, whether in the form of money, services, loans, travel, entertainment, hospitality, things or promises, or in any other form under such circumstances in which it could reasonably be inferred that the gift was intended to influence or could reasonably be expected to influence such Town officer or employee in the performance of official duties or was intended as a reward for any official action.
- J. A Town officer or employee shall promptly withdraw from any participation or action on any matter before the Town when acting on the matter, or failing to act on the matter, may financially benefit any of the following persons:
 - (1) The Town officer or employee or spouse thereof;
 - (2) The Town officer's or employee's outside employer or business;

- (3) Any person who has resided in the same dwelling unit as the Town officer or employee for more than 120 calendar days in the current or immediately preceding calendar year;
 - (4) A customer or client of the Town officer or employee;
 - (5) The Town officer's or employee's parent or other direct ancestor, sibling, or child or other direct descendant, or a spouse of any of the foregoing; or
 - (6) A person from whom the Town officer or employee has received election campaign contributions of more than \$1,000 in the aggregate during the past 12 months.
- K. No Town officer or employee shall use Town resources in furtherance of campaign activities, including, but not limited to, mass mailings, telephones, office supplies, postage, copying machines, computers or support staff.
 - L. No Town officer or employee shall knowingly act contrary to a lawful resolution or motion duly adopted by the Town Board.

§ 16-7. Disclosure of interest.

Any Town officer or employee who has, will have or later acquires an interest in an actual or proposed contract with the Town or other matter pending before any board or agency thereof shall publicly disclose the nature and extent of such interest, in writing, to such board or agency and to the Town Board as soon as the Town officer or employee has knowledge of such actual or prospective interest.

§ 16-8. Penalties for offenses.

- A. Disciplinary action. Any Town officer or employee who engages in any action that violates any provision of this chapter may be warned or reprimanded or be subject to any other sanction authorized by law or collective bargaining agreement by the appointing authority or person or body authorized by law to impose such sanctions. A warning, reprimand or other authorized sanction may be imposed in addition to any other penalty contained in this chapter or in any other provision of law.
- B. Damages. A Town officer or employee who violates any provision of this chapter shall be liable in damages to the Town for any losses or increased costs incurred by the Town as a result of the violation. Such damages may be imposed in addition to any other penalty contained in any other provision of law or in this chapter, other than a civil forfeiture pursuant to Subsection C of this section.
- C. Civil forfeiture. A Town officer or employee who intentionally or knowingly violates any provision of this chapter may be subject to a civil forfeiture to the Town of a sum equal to three times the value of any financial benefit the Town officer or employee received as a result of the conduct that constituted the violation. A civil forfeiture may be imposed in

addition to any other penalty contained in any other provision of law or in this chapter, other than a civil fine pursuant to Subsection D or damages pursuant to Subsection B of this section.

- D. Violation. A Town officer or employee who intentionally or knowingly violates any provision of this chapter may be guilty of a violation and be subject to a maximum fine of \$250 for each such violation or a fifteen-day term of imprisonment, or both.
- E. Enforcement. With the exception of Subsection A above, the Town Board shall have exclusive jurisdiction to enforce the provisions of § 16-6 by commencing an action in a court of competent jurisdiction in furtherance of such enforcement.

Article III. Board of Ethics

§ 16-9. Board established; advisory opinions.

- A. There is hereby established a Board of Ethics consisting of at least five members, three of whom shall constitute a quorum, to be appointed by the Town Board, all of whom shall reside in the Town of New Lebanon and who shall serve without compensation for a term of five years. A majority of such members shall be persons other than Town officers or employees, but at least one member shall be a Town officer or employee of the Town of New Lebanon.
- B. Advisory board. Upon the written request of any Town officer or employee, the Board of Ethics may render a written advisory opinion with respect to the interpretation or application of this chapter or of Article 18 of the General Municipal Law of the State of New York. Any other person may similarly request an advisory opinion but only with respect to whether that person's own action might violate a provision of this chapter or Article 18. The opinions of the Board of Ethics shall be advisory, and in no event shall the identity of the Town officer or employee be disclosed. Such opinions may be on the advice of the Town Attorney or such attorney as may be authorized for the Board of Ethics by the Town Board. Advisory opinions and requests for advisory opinions shall be indexed and maintained on file by the Board of Ethics.

§ 16-10. Chairperson; appointment, powers, and duties.

- A. The Town Board shall have the authority to appoint a member of the Board of Ethics as the chairperson of the Board of Ethics. Such appointment shall be made in January of each calendar year or as soon thereafter as practicable, and shall be for a term ending on the 31st day of December of such calendar year.
- B. The chairperson of the Board of Ethics shall have the following powers and duties:
 - (1) To call meetings of the Board of Ethics and to cause notice of such meetings to be distributed and posted as required under the New York State Open Meetings Law; provided, however, that in addition to any other applicable requirements of law, notice of the time, date, and location of any such meeting called by the

chairperson shall be transmitted at least two (2) days in advance of such meeting to any member of the Board of Ethics who does not execute a written waiver of notice of such meeting before, during, or after the meeting;

- (2) To prepare a written agenda for any meeting of the Board of Ethics, which written agenda may be modified or amended by majority vote of the Board of Ethics at a meeting thereof;
- (3) To serve as the presiding officer at all meetings of the Board of Ethics;
- (4) To receive and open all mail, correspondence, complaints, requests, and related materials directed to the Board of Ethics, provided, however, that, except with respect to any written complaint governed by § 16-12G, below, the chairperson shall transmit copies of such mail, correspondence, complaints, requests, and related materials to each member of the Board of Ethics within five (5) business days of receipt;
- (5) Without transmission to other members of the Board of Ethics and without any meeting or action on the part of the Board of Ethics, to immediately transmit to the Town Board for its review and action pursuant to § 16-12G any written complaint received by the chairperson or the Board of Ethics in which the complainant alleges that any person serving as a member of the Board of Ethics has committed conduct that is asserted by the complainant to be unethical, in violation of any provision of this chapter, or in violation of any other law, or otherwise requests any action or investigation in relation to a member of the Board of Ethics; and
- (6) To transmit all notices, letters, and copies of actions, reports, recommendations, advisory opinions, and decisions of the Board of Ethics to the persons or entities entitled thereto under this chapter.

§ 16-11. Jurisdiction; powers and duties.

- A. The Board of Ethics may only act with respect to Town officers or employees.
- B. The termination of a Town officer's or employee's term of office or employment with the Town shall not affect the jurisdiction of the Board of Ethics with respect to the requirements imposed on the Town officer or employee by this chapter.
- C. The Board of Ethics shall have the following powers and duties:
 - (1) To prescribe and promulgate rules and regulations governing its own internal organization and procedures in a manner consistent with this chapter;
 - (2) To review, index, maintain on file and respond to written complaints and to make notifications and conduct investigations pursuant to § 16-12 of this chapter;

- (3) To render, index and maintain on file advisory opinions and/or other necessary records pursuant to § 16-9B of this chapter;
- (4) To provide training and education to Town officers and employees;
- (5) To prepare an annual report and recommend changes to this chapter pursuant to § 16-14A of this chapter; and
- (6) To provide for public inspection of certain records pursuant to § 16-15 of this chapter.

§ 16-12. Complaints and Investigations.

A. Any person may file a written complaint alleging a violation of this chapter in accordance with the following requirements and procedures:

- (1) All written complaints shall set forth the essential facts underlying the complaint, including the relevant date(s) of alleged conduct, facts and circumstances constituting the alleged violation, and the location(s) at which the alleged conduct occurred.
- (2) All written complaints shall describe the complainant's basis of knowledge of the facts alleged (e.g., personal observation, received information from third party, etc.).
- (3) All written complaints shall provide the identity of all known or suspected witnesses to the alleged facts and alleged conduct.
- (4) All written complaints shall include the mailing address, telephone number, and email address of the complainant.
- (5) All written complaints shall be signed by the complainant.
- (6) All written complaints shall be submitted in a sealed envelope prominently bearing the legend "ETHICS COMPLAINT" on the face thereof. Such written complaints shall be hand delivered to the Town Clerk's Office or mailed to the Town of New Lebanon Ethics Board, P.O. Box 328, New Lebanon, New York, 12125 (or to such other address for the Board of Ethics as may be established from time to time and published by the Town of New Lebanon).

B. In the event any person shall submit a written complaint under this chapter to the Town Clerk's Office, the Town Clerk shall not open the sealed envelope, shall date-stamp the envelope on the date of receipt, and shall immediately notify the chairperson of the Board of Ethics of the receipt of such written complaint and shall provide same to the chairperson for processing. The Town Clerk shall maintain a record of all written complaints received reflecting the date received, the date of notification to the

chairperson of the Board of Ethics, and the date on which the written complaint was provided to the chairperson.

- C. Upon receipt of a written complaint by the chairperson of the Board of Ethics either from a complainant or from the Town Clerk's office, such chairperson shall be authorized to open and initially review the written complaint solely to determine whether such written complaint must be forwarded to the Town Board for processing under Subsection G, below. If the written complaint must be forwarded to the Town Board for processing under Subsection G, below, the chairperson shall immediately forward the written complaint to the Town Board for processing without further action by the Board of Ethics. In the event such written complaint is not required to be forwarded to the Town Board for processing under Subsection G, below, the chairperson of the Board of Ethics shall notify the remaining members of the Board of Ethics of the receipt of a written complaint, shall transmit a copy of the written complaint to each member of the Board of Ethics, and shall promptly call a meeting of the Board of Ethics to begin processing. The chairperson shall maintain a record of all written complaints received reflecting the date received, the date of forwarding to the Town Board for processing under Subsection G, below (if applicable), the transmission of the written complaint to the remaining members of the Board of Ethics (if applicable), and the date on which a meeting of the Board of Ethics was called to begin processing (if applicable).
- D. The complainant shall be notified in writing of the receipt of said written complaint by the chairperson of the Board of Ethics within 10 days thereof. In the event the written complaint was forwarded to the Town Board for processing under Subsection G, below, such notification shall specify that fact and the date on which it was forwarded to the Town Board.
- E. Upon receipt of a written complaint by any person alleging a violation of this chapter in accordance with Subsection A, above, or upon determining on its own initiative that a violation of this chapter may exist, the Board of Ethics shall have the power and duty to conduct any investigation necessary to carry out the provisions of this chapter. Prior to making any findings that a Town officer or employee has committed or is committing one or more violations of this chapter, the Board of Ethics shall provide such Town officer or employee with notice of the alleged violation(s) and an opportunity to be heard consistent with the requirements of procedural due process and applicable law. Nothing herein shall be construed as superseding any applicable provisions of any collective bargaining agreement.
- F. The Board of Ethics shall state, in writing, the disposition of every written complaint it receives and of every investigation it conducts and shall set forth the reasons for the disposition. All such statements and all written complaints shall be indexed and maintained on file by the Board of Ethics. The Town officer or employee who was under investigation and the complainant shall be notified of the disposition of any written complaint received within 30 days of such disposition. In the event the Board of Ethics finds, after investigation and hearing, that a Town officer or employee violated any provision of this chapter, a copy of the written determination of the Board of Ethics shall

be transmitted to the Town Board, and if applicable, to the appointing authority or person or body authorized by law to impose discipline within 30 days of such determination.

- G. Nothing in this section shall be construed to permit the Board of Ethics to conduct an investigation of itself or of any of its members or staff. If a written complaint alleges that any person serving as a member of the Board of Ethics has committed conduct that is asserted by the complainant to be unethical, in violation of any provision of this chapter, or in violation of any other law, or otherwise requests any action or investigation in relation to a member of the Board of Ethics, the chairperson of the Board of Ethics shall immediately transmit to the Town Board a copy of the written complaint. In such instance, the Town Board shall have all of the powers and duties of the Board of Ethics as set forth in this section of this chapter.

§ 16-13. Recommendation of disciplinary action; judicial review.

- A. In its discretion, after a hearing providing for due process procedural mechanisms and subject to any applicable provisions of law and collective bargaining agreements, the Board of Ethics may include in its written determination its recommendation of appropriate disciplinary action pursuant to § 16-8 of this chapter.
- B. Judicial review. Any person aggrieved by a decision of the Board of Ethics or the Town Board may seek judicial review and relief pursuant to Article 78 of the Civil Practice Law and Rules of the State of New York.

§ 16-14. Annual reports; review of ethics laws.

- A. The Board of Ethics shall prepare and submit an annual report to the Town Board of the Town of New Lebanon, summarizing the activities of the Board. The report may recommend changes to the text or administration of this chapter.
- B. The Board of Ethics shall periodically review this chapter and the Board's rules, regulations and administrative procedures to determine whether they promote integrity, public confidence and participation in Town government and whether they set forth clear, enforceable, common sense standards of conduct.

§ 16-15. Public inspection of records; public access to meetings.

- A. The only records of the Board of Ethics which shall be available for public inspection are those whose disclosure is required by Article 6 of the Public Officers Law of the State of New York (Freedom of Information Law) or by some other state or federal law or regulation.
- B. No meeting or proceeding of the Board of Ethics concerning misconduct, nonfeasance or neglect in office by a Town officer or employee shall be open to the public, except upon the request of the officer or employee or as required by the provisions of Article 7 of the Public Officers Law (Open Meetings Law) or by state or federal law.

Article IV. Administration

§ 16-16. Distribution and posting of code; appropriations for Board of Ethics.

- A. Upon the adoption of this chapter, the Town Supervisor shall cause a copy thereof to be distributed to every Town officer or employee. Failure to distribute any such copy or failure of any Town officer or employee to receive such copy shall have no effect on the duty of compliance with this chapter, nor the enforcement of provisions hereof. The Town Supervisor shall further cause a copy of this chapter to be kept posted conspicuously in each public building under the jurisdiction of the Town. Failure to post this chapter shall have no effect on the duty of compliance herewith, nor the enforcement provisions hereof.
- B. The Town Board may appropriate monies from the general Town funds for the maintenance of and for personnel services to the Board of Ethics established hereunder, but such Board of Ethics may not commit the expenditure of Town monies except within the appropriations provided herein.

SECTION 3

If any word, phrase, sentence, part, section, subsection, or other portion of this Law or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection, or other portion, or the proscribed application thereof, shall be severable, and the remaining provisions of this Law, and all applications thereof, not having been declared void, unconstitutional, or invalid, shall remain in full force and effect.

SECTION 4

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

SECTION 5

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

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

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

I hereby certify that the local law annexed hereto, designated as Local Law No. 3 of 2021 of the (County)(City)(Town)(Village) of New Lebanon was duly passed by the Town Board of the Town of New Lebanon on August 10th, 2021 in accordance with the applicable provisions of law.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Date: 8/11/2021

(Seal)

Addendum B

Town of New Lebanon Planning Board Procedures for Applicants



Prior to beginning any new project, refer to the Town of New Lebanon Code for details related to each type of application and necessary requirements. It is recommended that a potential applicant meet with the Building Department in advance of beginning a project to discuss the project and the steps associated with the process.

PROCESS FOR LOT LINE ADJUSTMENTS AND MINOR SUBDIVISIONS

Step 1

- Submit a complete application including the proper application form, narrative which describes the scope of the project, and a drawing with all pertinent information included, as outlined in the Code. All information must be submitted at least 10 business days in advance of the Planning Board meeting.

Step 2

- At the Planning Board meeting, the applicant and/or their representative may make a presentation about the project to the members of the Planning Board. Members of the Planning Board may ask questions, ask for clarification, or request additional information.
- In most cases, depending on any requests by members of the Planning Board, a Public Hearing on the project will be set for the following month's meeting.

Step 3

- At least 10 business days before the Public Hearing, the applicant and/or their representative will submit any additional information requested by the Planning Board to the Planning Board Clerk. The applicant will also notify abutters of the Public Hearing, per instructions located in the Code.

Step 4

- The Planning Board will open the public hearing at the scheduled meeting. Members of the public will have had an opportunity in advance to provide comment and may do so in person during the public hearing. Depending on the questions asked and information provided during the public hearing, the Planning Board may close the hearing or hold it open pending receipt of more information and a response by the applicant and/or their representative.

Step 5

- After closing the public hearing, the Planning Board may deliberate on the application further. The Planning Board will render a decision and an official decision document with any conditions will be filed with the Town Clerk within five business days of the Planning Board decision.
- Following approval of the application by the Planning Board, the applicant may complete the process by filing any necessary information with respective government agencies.



Town of New Lebanon
Planning Board
Procedures for Applicants

Prior to beginning any new project, refer to the Town of New Lebanon Code for details related to each type of application and necessary requirements. It is recommended that a potential applicant meet with the Building Department in advance of beginning a project to discuss the project and the steps associated with the process.

PROCESS FOR MAJOR SUBDIVISIONS, SITE PLAN REVIEW, OR SPECIAL PERMIT REQUEST

Step 1

- Submit a narrative which describes the scope of the project and a sketch plan with all pertinent information included, as outlined in the Code. All information must be submitted at least 10 business days in advance of the Planning Board meeting.

Step 2

- At the Planning Board meeting, the applicant and/or their representative may make a presentation about the project to the members of the Planning Board. Members of the Planning Board may ask questions, ask for clarification, or request additional information.
- If the Planning Board feels the applicant has provided sufficient information in the initial application, they may approve the application as a 'Sketch Plan'.

Step 3

- At least 10 business days before the next Planning Board meeting, the applicant and/or their representative will submit a completed application form and an updated narrative describing the scope of the project and updated drawings including any additional information requested by the Planning Board to the Planning Board Clerk.

Step 4

- At the Planning Board meeting, the applicant and/or their representative will present the additional information and discussion will most likely follow. If the Planning Board feels the applicant has provided sufficient information, they may approve the application as a 'Preliminary' and a public hearing will be set for the following month's meeting.
- Additional information may still be requested by members of the Planning Board and the applicant and/or their representative is expected to provide this information at least 10 business days in advance of the Public Hearing.



Town of New Lebanon
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Procedures for Applicants

Step 5

- At least 10 business days before the Public Hearing, the applicant and/or their representative will submit any additional information requested by the Planning Board to the Planning Board Clerk. The applicant will also notify abutters of the Public Hearing, per instructions located in the Code.

Step 6

- The Planning Board will open the public hearing at the scheduled meeting. Members of the public will have had an opportunity in advance to provide comment and may do so in person during the public hearing. Depending on the questions asked and information provided during the public hearing, the Planning Board may close the hearing or hold it open pending receipt of more information and a response by the applicant and/or their representative.

Step 7

- After closing the public hearing, the Planning Board may deliberate on the application further. The Planning Board will render a decision and an official decision document with any conditions will be filed with the Town Clerk within five business days of the Planning Board decision.
- Following approval of the application by the Planning Board, the applicant may apply complete the process by filing any necessary information with respective government agencies.

