

**MINUTES OF THE REGULAR MONTHLY MEETING OF
THE TOWN BOARD OF THE TOWN OF NEW LEBANON
HELD ON DECEMBER 14, 2021**

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

Recording Secretary: Marsha “Marcie” Robertson, Town Clerk

Others Present: Steve Powers, CAC Member & CSC Chair
Sharon Powers, BEDC
Peg Munves, CAC & CSC & BEDC Member (Online)
David Farren, CAC Chair
Mary Young, NL Rep to CC Office for the Aging (Online)
Ed Godfroy, LVPA
Bruce Shenker, NL Rep to CC Env Mgmt Council & CSC
Member (Online)
Erminia Rasmussen, BEDC
Ted Salem, ZBA & ZRC Chair
Jeannine Tonetti, ZBA
Marc Anthonisen, CSC Advisor
Jill Henck, CDRPC (Online)
Members of the Public

CALL TO ORDER:

The meeting was called to order at 7:45pm by Supervisor Houghtling. A moment of silence was held in honor of Bud Godfroy. The family will be holding services on January 8th, 2022 and the time is still to be determined. 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 **November 9th Special Meeting, November 9th Public Hearing on Comprehensive Plan and November 9th 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 November 30th, 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 Gordon.

Roll Call Vote:

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

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 read the following email:

I noticed with interest the considerable amounts allocated to the Highway Dept in the Town Budget. Since the Highway Dept has not removed the guardrail rusting in place by the stream in Lebanon Springs, I entreat the Town Supervisor and Town Board to problem-solve this issue (consulting the town attorney as required) and pay for the swift removal of this abandoned junk property by private contractor before the snow arrives.

I also request that the updated status of this issue be included in the agenda of all future town board meetings until this matter is resolved, including reference to the initial date the guard rail was replaced.

Thank you,
Sharon van der Meulen

Supervisor Houghtling responded to the email stating that it was in 2019, she believes it was in the summertime. She stated for the record that this Town Board has tried for most of the year to get the Highway Superintendent to move the abandoned guardrail. It is not in their preview or discretion; they are not allowed to pay a private contractor nor do it themselves to remove the guardrail. It is highway equipment and only the Highway Superintendent may remove it himself or request that one of his employees remove it. There is really nothing that the Town Board can do. It was on the agenda for at least six

months straight, that did not work. Supervisor Houghtling stated that she doesn't feel like putting it on the agenda continuing forward is going to make any difference. If people in the public would like to make their voices heard it would be the Highway Superintendent who is a duly elected official that you would make those requests to.

EXECUTIVE SESSION:

A motion was made by Supervisor Houghtling to enter into an executive session at 7:49pm for the purposes of discussing the medical, financial, credit or employment history of a particular person/corporation or matters leading to said dismissal, removal, promotion, appointment, employment, discipline, demotion or suspension and to invite Jeannine Tonetti and David Farren at different points during the Executive Session to join the Town Board. 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

A motion was made by Supervisor Houghtling to exit Executive Session at 7:56pm. 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 stated that she wanted to present a Certificate of Appreciation and to thank Jill Henck who is part of the CDRPC and worked tirelessly with the town over the past four plus years in our Clean Energy Program and Climate Smart Program. Supervisor Houghtling stated that she first met Jill when she was Town Clerk and the town was applying for the EV Charging Station Grant. Supervisor Houghtling stated that she has been very hands on for everything from grant applications, filing documents, how to get our points and rebates and a lot of the grant funding. Jill also helps on a County level with their Climate Smart actions. On behalf of the Town of New Lebanon, we appreciate all of her time, effort and dedication.

Steve Powers, CSC Chair stated he wanted to personally thank Jill for all of the help that she gave them, everything that Supervisor Houghtling said, achieving the bronze status

and in the CEC program during her tenure with the CDRPC. He stated they are sad to see her go but excited that she is moving on to be the Director of an innovative project in the Adirondacks.

Jill Henck, CDRPC commented that it has been her pleasure to work with all of them.

BUDGET AMENDMENT #11 OF 2021:

*Supervisor Houghtling stated that the sale of the grader as surplus was \$9,600, Highway Superintendent Winestock asked that the money be moved to the general account. The highway garage purchase for the furnace and for the new sprayer have to be paid out of the general garage account. Supervisor Houghtling checked with the town accountant and they can move from the surplus sale into the general garage account as long as it is with Highway Superintendent Winestock's approval, which he gave.

*A voucher was accidentally billed to highway that should have been to town buildings and properties, there was crusher run for the EV Charging Station through Colarusso and because they are usually a highway voucher it accidentally got processed there, so \$686.17 is being moved back into DA-5110.4.

*Town Board contractual is for training for 2022 for the new board members but has to be paid now. The same with the Supervisor.

*They knew they would need more for the Attorney, \$15,000 is being brought over to cover December's bills.

*The rest have been discussed; newsletter and central communications are only being done month by month as to not bring too much money over. This does clear out the contingency.

*The town has not been billed by the engineer in 2021, she asked the engineer to send invoices for work performed, he responded that he does not intend to bill the town at all.

*Buildings equipment and contractual were the other two places that we had an abundance of funding for projects that they had budgeted for that they aren't doing this year.

*They had budgeted \$21,673 in CHIPS, not in the reimbursable fund because they thought the state was only going to give 80% and they ended up giving the whole 100%. Highway Superintendent Winestock requested that the \$21,673 gets split between his machinery and snow removal, both of which have gone over.

Town Clerk Robertson pointed out that on the budget amendment it was written as DA-5142.2 (Snow Removal) and should be DA-5142.4.

Supervisor Houghtling checked and that is correct it should be DA-5142.4.

General Fund:

\$ 9,600.00	from A-02665 (Sale of Equipment)
\$ 686.17	from A-9901.1 (Transfer to Highway Fund)
\$ 1,747.00	from A-1990.4 (Contingent)
\$ 4,250.00	from A-1440.4 (Engineer)
\$ 3,200.00	from A-1620.2 (Buildings - Equipment)
\$ 7,570.00	from A-1620.4 (Buildings - Contractual)

\$ 9,600.00 to A-5132.2 (Garage - Equipment)
\$ 686.17 to A-1620.4 (Buildings - Contractual)
\$ 300.00 to A-1010.4 (Town Board - Contractual)
\$ 150.00 to A-1220.4 (Supervisor - Contractual)
\$ 15,000.00 to A-1420.4 (Attorney - Contractual)
\$ 416.00 to A-1650.4 (Central Comm. – Contractual)
\$ 556.00 to A-1670.41 (Newsletter – Contractual)
\$ 181.00 to A-1680.4 (Central Data Proc. – Contractual)
\$ 164.00 to A-8797.4 (Climate Smart – Contractual)

Highway Fund:

\$ 686.17 from DA-05031 (Transfer from General Fund)
\$ 21,673.00 from DA-5112.2 (CHIPS)

\$ 686.17 to DA-5110.4 (Repairs)
\$ 10,837.00 to DA-5130.4 (Machinery - Contractual)
\$ 10,836.00 to DA-5142.4 (Snow Removal - Contractual)

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

Roll Call Vote:

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

AUDIT OF BILLS:

2021 BILLS:

General Nos. 440 through 487, in the amount of \$86,439.56; and
Highway Nos. 125 through 139, in the amount of \$44,617.52;
As listed on Abstract No. 12 dated December 14th, 2021.

A motion was made by Supervisor Houghtling to pay the bills. 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

OLD BUSINESS:

Adoption of Introductory Local Laws #3, #4 & #5:

Supervisor Houghtling stated that for the record once these Local Laws become adopted, they will become Local Laws #4, #5 and #6. This is due to a filing that happened for a local law that was adopted in 2020 but not filed with the state until 2021, this adjusted all the numbering for the year.

Introductory Local Laws #3 to be LL #4:

A motion was made by Supervisor Houghtling to adopt Part 2 of the Environmental Assessment Form in connection with Introductory Local Law No. 3 of 2021 as prepared by the Attorney for the Town. 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

A motion was made by Councilmember Trainor to adopt a Negative Declaration under SEQRA in connection with Introductory Local Law No. 3 of 2021 in the form of Part 3 of the Full Environmental Assessment Form as prepared by the Attorney for the Town and to direct and authorize the Town Supervisor to satisfy the filing and publication requirements in accordance with applicable regulations. The motion was seconded by Councilmember Gordon.

Roll Call Vote:

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

Supervisor Houghtling explained the change made to Intro LL 3 of 2021 to amend Section 205-13(A) (1) and (2) to reflect that special use permits will be determined by the Planning Board, as intended.

A motion was made by Councilmember Trainor to enact Introductory Local Law No. 3 of 2021, as last revised by the Attorney for the Town to include the proposed amendment to Section 205-13 (A) (1) and (2), as Local Law No. 4 of 2021 and to authorize and direct the Town Clerk and Town Supervisor to transmit Local Law No. 4 of 2021 to the New York Secretary of State for filing in accordance with the Municipal Home Rule Law. The motion was seconded by Councilmember Gordon.

Roll Call Vote:

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

See Addendum A for Introductory Local Law #3 to become Local Law #4 of 2021.

Introductory Local Laws #4 to be LL #5:

A motion was made by Supervisor Houghtling to adopt Part 2 of the Environmental Assessment Form in connection with Introductory Local Law No. 4 of 2021 as prepared by the Attorney for the Town. 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

A motion was made by Councilmember Newton to adopt a Negative Declaration under SEQRA in connection with Introductory Local Law No. 4 of 2021 in the form of Part 3 of the Full Environmental Assessment Form as prepared by the Attorney for the Town and to direct and authorize the Town Supervisor to satisfy the filing and publication requirements in accordance with applicable regulations. 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

A motion was made by Councilmember Trainor to enact Introductory Local Law No. 4 of 2021 as Local Law No. 5 of 2021 and to authorize and direct the Town Clerk and Town Supervisor to transmit Local Law No. 5 of 2021 to the New York Secretary of State for filing in accordance with the Municipal Home Rule Law. 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

See Addendum B for Introductory Local Law #4 to become Local Law #5 of 2021.

Introductory Local Laws #5 to be LL #6:

A motion was made by Supervisor Houghtling to adopt Part 2 of the Environmental Assessment Form in connection with Introductory Local Law No. 5 of 2021 as prepared by the Attorney for the Town. The motion was seconded by Councilmember Gordon.

Roll Call Vote:

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

A motion was made by Councilmember Gordon to adopt a Negative Declaration under SEQRA in connection with Introductory Local Law No. 5 of 2021 in the form of Part 3 of the Full Environmental Assessment Form as prepared by the Attorney for the Town and to direct and authorize the Town Supervisor to satisfy the filing and publication requirements in accordance with applicable regulations. 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

A motion was made by Councilmember Rasmussen to enact Introductory Local Law No. 5 of 2021 as Local Law No. 6 of 2021 and to authorize and direct the Town Clerk and Town Supervisor to transmit Local Law No. 6 of 2021 to the New York Secretary of State for filing in accordance with the Municipal Home Rule Law. The motion was seconded by Councilmember Gordon.

Roll Call Vote:

Councilmember Rasmussen -	Aye
Councilmember Gordon -	Aye

Supervisor Houghtling -	Aye
Councilmember Trainor -	Aye
Councilmember Newton-	Aye

See Addendum C for Introductory Local Law #5 to become Local Law #6 of 2021.

Adoption of Comprehensive Plan Update:

Supervisor Houghtling and the Town Board reviewed Part 2 of the SEQRA for the Comprehensive Plan Update for 2021.

A motion was made by Supervisor Houghtling to adopt Part 2 of the Environmental Assessment Form in connection with the Town of New Lebanon Updated Comprehensive Plan as prepared by the Attorney for the Town. 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

Supervisor Houghtling and the Town Board reviewed Part 3 of the SEQRA for the Comprehensive Plan Update for 2021.

A motion was made by Councilmember Trainor to adopt a Negative Declaration under SEQRA in connection with the Town of New Lebanon Updated Comprehensive Plan in the form of Part 3 of the Full Environmental Assessment Form as prepared by the Attorney for the Town and to direct and authorize the Town Supervisor to satisfy the filing and publication requirements in accordance with applicable regulations. The motion was seconded by Councilmember Gordon.

Roll Call Vote:

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

TOWN OF NEW LEBANON

RESOLUTION #28, 2021

ADOPTION OF THE TOWN OF NEW LEBANON 2021 COMPREHENSIVE PLAN UPDATE

DECEMBER 14, 2021

At a regular monthly meeting of the New Lebanon Town Board held on the 14th day of December 2021, the following Resolution was proposed and seconded:

Resolution by Supervisor Houghtling

Seconded by Councilmember Newton

ADOPTION OF THE TOWN OF NEW LEBANON 2021 COMPREHENSIVE PLAN UPDATE

WHEREAS, on October 18, 2021, the Town of New Lebanon Comprehensive Plan Update Committee adopted a resolution recommending a draft 2021 Comprehensive Plan Update to the Town of New Lebanon Town Board for consideration and adoption; and

WHEREAS, on October 27, 2021, the Town Board reviewed the draft 2021 Comprehensive Plan Update as recommended by the Comprehensive Plan Update Committee in detail and made a number of modifications thereto (as modified, hereinafter, the “2021 Comprehensive Plan Update”); and

WHEREAS, on October 27, 2021, the Town Board initiated the adoption process for the 2021 Comprehensive Plan Update, classified the adoption of the 2021 Comprehensive Plan as a Type I action under the State Environmental Quality Review Act (“SEQRA”), declared itself lead agency under SEQRA, authorized preparation of the Full Environmental Assessment Form, authorized the referral of the 2021 Comprehensive Plan Update to the Columbia County Planning Board, and scheduled a public hearing on the 2021 Comprehensive Plan Update for November 9, 2021 at 6:30 pm; and

WHEREAS, the Town Board held a public hearing on the 2021 Comprehensive Plan Update on November 9, 2021; and

WHEREAS, on November 16, 2021, the Columbia County Planning Board issued its written recommendation concerning the 2021 Comprehensive Plan Update, finding that the adoption of the 2021 Comprehensive Plan Update would have no significant county-wide or intercommunity impacts associated with it; and

WHEREAS, on December 14, 2021, the Town Board reviewed and adopted Part 2 of the Environmental Assessment Form under SEQRA for the 2021 Comprehensive Plan Update; and

WHEREAS, on December 14, 2021, the Town Board reviewed and adopted Part 3 of the Environmental Assessment Form under SEQRA for the 2021 Comprehensive Plan Update, and thereby adopted a Negative Declaration under SEQRA; and

WHEREAS, the Town Board finds and determines that all necessary procedural requirements associated with the adoption of the 2021 Comprehensive Plan Update have been satisfied, that the development of the 2021 Comprehensive Plan Update has included and taken into consideration the input of the public, and that the 2021 Comprehensive Plan Update represents the thoughtful and deliberate comprehensive planning objectives for the Town of New Lebanon; and

WHEREAS, the Town Board finds and determines that it is in the best interests of the Town to adopt the 2021 Comprehensive Plan Update;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. Pursuant to Town Law § 272-a, the 2021 Comprehensive Plan Update is hereby adopted.

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: December 14, 2021

Marcie Robertson

Town Clerk

Town of New Lebanon

Adjournment from Past Meeting:

Supervisor Houghtling explained that at the November 9th, 2021 Special Meeting they made a motion to exit executive session after interviews and then went right into the PH forgetting to adjourn the special meeting. They need to retroactively adjourn it.

A motion was made by Supervisor Houghtling to retroactively adjourn the Special Meeting on November 9th of 2021. 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

Compensation Plan Update:

Supervisor Houghtling explained that there was a Special Meeting held on 12/8/2021 for the Tax Collector and Town Justices to be heard in response to the recommendation made

by the Compensation Committee that they look at the salaries for those offices in comparison to hours worked in other towns. The board did not take any action on 12/8/21.

Supervisor Houghtling stated that the goal was to get all of the “TBDs” updated with actual numbers. Her recommendation is that they put in the Supervisor and Town Clerk and leave the Judges and the Tax Collector as TBD and include a note that the current salaries for those TBD’s should not be increased with COLA or raises until it is found to be in line with what other towns are paying for court operation and tax collection. Supervisor Houghtling suggested that the Comparison Committee that Councilmember’s Trainor and Gordon are on look into these other departments for more information. Supervisor Houghtling stated that she feels they need more information before any decisions are made.

Councilmember Newton stated that they should leave the TBD but not add the note to not increase with COLA’s or raises. Others agreed with Councilmember Newton.

The Town Board held further discussion on this topic.

Roll Call Vote:

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

**TOWN OF NEW LEBANON
RESOLUTION #29, 2021
COMPENSATION POLICY
DECEMBER 14, 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 14th day of December, 2021, the following Resolution was proposed and seconded:

Resolution by Supervisor Houghtling
Seconded by Councilmember Newton

COMPENSATION POLICY [Adopted 11-13-2018; Revised 8-11-2020; Revised 10-12-2021; Revised 12-14-2021]

Purpose; applicability.

To establish a comprehensive compensation plan for the employees of the Town of New Lebanon based on the duties and responsibilities of each position.

Grade Levels & Starting Rates:

1. Appointed Positions: Grade levels and Starting rates:

Position	Grade Level	Starting Rate	Notes
Assessor	1	\$25,000	In-house reval: annual stipend \$1,600
Highway MEOs	2	TBD	All wages set via union contract
Code Enforcement Officer (CEO)	2	\$23- 25/hr	\$25/hr when certified
Deputy CEO	2	\$18- 20/hr	\$20/hr when certified
Zoning Enforcement Officer (ZEO)	3	\$20/hr	
Deputy ZEO	3	\$17/hr	
Land Use Administrator	3	\$18/hr	
Deputy Town Clerk	3	\$16/hr	
Court Clerk	3	\$16/hr	
SYP Camp Director (seasonal)	3	\$10,000	Per season – 50 hrs/wk for 8 week summer camp program plus 100 extra hours prep & follow up @ \$20/hr – could be 2 positions or 1 –if 2 positions s/b \$8k for on site, 50 hrs/wk for 8 week program & \$2k for 100 hours prep & follow up
Dog Control Officer (DCO)	3	\$3,500	
Park & Buildings Superintendent	4	\$16/hr	
Deputy Court Clerk	4	\$15/hr	

Assistant Camp Director (seasonal)	4	\$16/hr	
Aquatics Director (Camp-seasonal)	4	\$20/hr	
Building/Planning/Zoning Clerk	5	\$14.50/hr	
Assessor Clerk	5	\$14.50/hr	
Position	Grade Level	Starting Rate	Notes
Park & Buildings Maintenance Staff	5	\$12/hr	
SYP Staff**(seasonal)			
Counselors	5	\$11	SYP Director sets rates up to \$15/hr cap .50¢ for each approved certification; .50¢ for each year worked @ program
Lifeguard	5	\$20/hr	
Water Safety Aide	5	\$11	SYP Director sets rates up to \$15/hr cap
Counselors-in-Training (CITs)	X	\$8/hr	

2. Elected Officials: Grade levels and Starting rates:

Position	Grade Level	Starting Rate	Notes
Supervisor	1	\$23,200	24 hrs/wk @ \$25/hr; there is an additional \$8,000 in the budget for budget officer to get to the 24 hrs/wk (can be held by Supervisor or separate individual appointed by Supervisor)

Town Board – As a whole	1	\$16,000	\$4,000 each
Highway Superintendent	1	\$50,000	
Town Clerk	2	\$36,400	35 hrs/wk @ \$20/hr
Judges	2	TBD	Evaluate changes in court as State Police Barracks moves to Chatham.
Tax Collector	3	TBD	
Town Board Individually	5	\$4,000 ea	

Adjustments to rates:

- Starting rates will be evaluated at least every three (3) years and adjusted as needed.
- Adjustments to only one position will be made only when appropriate based on changes in duties for the position.
- All positions should be adjusted as needed and re-evaluations of the long-term program will be done to preserve the plan.
- If cost-of-living adjustments (Cola) are applied, the compensation base rates and established ranges will be adjusted accordingly (base rates and cap rates will be adjusted at the same rate as the cola).

Performance Evaluation Process:

- There will be an annual training of all employees who will evaluate other employees and all employees who will be evaluated regarding the evaluation process, job descriptions, etc. At the training employees should provide any suggestions or input regarding possible updates and/or edits to any of the forms or processes. The training shall occur before April 1st.
- Evaluations of all employees are to be performed by their direct supervisor (according to the “chart for performing employee evaluations” – see addendum C) two times a year by April 15th & October 15th.
- Job descriptions (see addendum A) and the performance evaluation form (see addendum B) are an integral part of this policy and should be utilized for all employee evaluations and updated and/or reviewed as needed.

- At a town board meeting after the October 15th evaluations & before the next year's budget is adopted, the town board will discuss merit raises which will be based off the October 15th evaluations and at the discretion of the town board each budget season as to how much of a merit raise is applied to which levels of scoring on the evaluations. Although these merit raises are at the discretion of the town board, the evaluations should be used to determine these merit raises and a level of consistency should be followed across positions.

NOW, THEREFORE, BE IT RESOLVED by the New Lebanon Town Board that this Compensation Policy is adopted by the Town.

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

Roll Call Vote:

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

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

Dated: December 14, 2021

Marcie Robertson

New Lebanon Town Clerk

NEW BUSINESS:

Schedule Organizational Meeting

A motion was made by Supervisor Houghtling, seconded by Councilmember Trainor and approved unanimously to schedule the Organizational Meeting on January 3rd, 2022 at 5:00PM.

Schedule 2021 Audit of the Books:

A motion was made by Supervisor Houghtling, seconded by Councilmember Trainor and approved unanimously to schedule the 2021 Annual Audit of the books on Tuesday, January 18th, 2022 at 5:00PM.

Policy Review – Workplace Violence & Social Media:

Workplace Violence:

No changes were made by the Town Board.

A motion was made by Supervisor Houghtling, seconded by Councilmember Newton and approved unanimously to mark the Workplace Violence Prevention Policy as reviewed with no changes.

Social Media:

The Town Board reviewed the policy and found the following corrections to be made:

Page 1 - definitions - section a - oversight changed to oversight - section c - sit changed to site

Page 2 - IV procedure - 1. ...administered by the Town Clerk or the Town Clerk's designee.

A motion was made by Supervisor Houghtling, seconded by Councilmember Newton and approved unanimously to modify the Social Media Policy on page 1 to change *oversite* to *oversight* in section A of definitions and in section C of definitions to change *sit* to *site* and on page 2 under procedure, section A1 to add "*or the Town Clerk's designee*".

ZRC – Consider Adding Two Members of the Public:

Supervisor Houghtling stated that she would like this board to consider adding two new members of the public to our ZRC. She has spoken to the Chair; Ted Salem and he is in support of the idea.

A motion was made by Supervisor Houghtling, seconded by Councilmember Trainor and approved unanimously to add two seats to the ZRC as members of the public and to go out for letters of interest due by Friday, January 7th, 2022 at 4:00pm with interviews to be held if needed on January 11th, 2022 at 6:30pm and to schedule a Special Meeting on January 11th, 2022 at 6:30pm for the purposes of interviews if needed.

Website Support:

Supervisor Houghtling explained that we use County MIS for our IT services. They are having a difficult time with our website support due to it being on a different platform that they are accustomed to. County MIS has been looking to change the platform that our website is currently on. Supervisor Houghtling, Town Clerk Robertson and Sharon Powers met with County IT and came to the conclusion that the platform they are proposing is not as good as the one we are currently using. County IT agreed that our current platform is better, they just don't know how to use it as well and therefore have a harder time providing support for it. Supervisor Houghtling thought about contracting with someone else for the website support piece and leaving County IT for the other services that they provide.

A motion was made by Supervisor Houghtling, seconded by Councilmember Trainor and approved unanimously to go out for letters of interest for Website Support Services with letters of interest due by 4:00pm on Friday, January 7th, 2022 with interviews to be held if needed on January 11th, 2022 at 6:30pm.

Set Public Hearing for 2022 LVPA Contract:

A motion was made by Supervisor Houghtling, seconded by Councilmember Newton and approved unanimously to set a Public Hearing for the proposed 2022 LVPA Contract for December 29th, 2021 at 6:20pm.

BEDC Resignation:

A motion was made by Supervisor Houghtling, seconded by Councilmember Newton and approved unanimously to accept the letter of resignation from Richard Beckwith from the BEDC.

Insurance Renewal:

The Town Board discussed the upcoming town insurance renewal and agreed that they will purchase the terrorism coverage.

A motion was made by Councilmember Newton to authorize Supervisor Houghtling to sign the insurance renewal supplements to include terrorism coverage with Metzwood Harder Insurance. 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

Grant Update:

Supervisor Houghtling that we applied for a grant through Delgado's office along with the Towns of Austerlitz, Canaan and Ghent for broadband coverage. The grant has been approved and is on hold right now with the federal budget waiting to go through Senate. New Lebanon needs to enter into an MOU with those three towns because the town of Ghent, who has been overseeing the whole project, will issue the RFP out to the providers. Ghent's town attorney drafted the MOU, our attorney had a few minor changes that he would like to see made and the goal is to have this authorized by this town board before the end of the year.

Fund Balance Policy:

Supervisor Houghtling stated that her and Councilmember Rasmussen discussed a Fund Balance Policy that is highly recommended by OSC. Councilmember Rasmussen submitted a draft of this policy that Supervisor Houghtling will distribute to the Town Board for review and discussion and have the town attorney look over as well.

COMMITTEE/LIAISON REPORTS:

Assessor (Councilmember Rasmussen):

Councilmember Rasmussen read the report from the Assessor as follows:

Concerning our "rolling data verification" (I look at some each year/each needs to be verified within a 6 yr time period)

We have or will be by the next board meeting.....verified/photographed from the ROW over 800 parcels in the last year.

We will be calling it quits for the winter and have ourselves in a good position for the 2023 reassessment.

Exemption renewals will be going out around December 1st and will include instructions as usual.

Building Department (Councilmember Rasmussen):

Councilmember Rasmussen stated no news to report.

Business & Economic Development (Councilmember Gordon):

Councilmember Gordon read the minutes from the 12/7/2021 BEDC meeting with the following points. For details see their minutes posted on the website on the BEDC page.

- 1) effort to form a renewed effort on a sewage system for downtown, spearheaded by you and Peg Munves
- 2) formation of a health initiative by Tistrya and Anna Duhon
- 3) discussion on putting an emphasis on forming a Local Development Corporation in 2022.
- 4) Continuing success of the farm market, spearheaded by Josh and a great team of volunteers

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

David Farren, CAC Chair: At our meeting last night, we voted to join the New York State Association of Conservation Commissions (NYSACC). Annual dues are \$75 and I note that we will have an unexpended balance in our 2021 budget. Tistrya requested that the invoice be submitted by December 27 and that the 2023 budget include the dues amount.

I want to thank Jesse Newton once again for his invaluable help in getting us off to a fast start with the Trees for Tribes plantings in Shatford Park. Planting slowed down and we have overwintered about 80 unplanted potted seedlings along the side of the garage building that Donnie Sears has lent us for storage, using hardware cloth and plenty of mulch. We will present a plan in March to the Town Board for the remainder of this big project and don't anticipate planting the overwintered seedlings until late April or May.

We plan to present a progress report in January to the new Town Board on the Critical Environmental Areas project currently underway.

Water will be a focus for us in 2022, with additional well testing and a final Source Water Protection Plan from Steve Winkley of the New York Rural Water Association. We had hoped to see his final report by now and expect to see it during the first quarter of 2022.

Steve Powers, CSC Chair reported the following:

The EV Charging station is up and running and he saw a car there charging today. At the last CSC meeting, all members approved the repurposing of the \$10,000 NYSERDA Grant that they received towards the mini-split that Councilmember Newton indicated was needed for the garage. They are also considering a potential educational campaign and if successful they will receive another \$5,000 grant.

A motion was made by Supervisor Houghtling to authorize for up to \$10,000 of NYSERDA Grant money to be spent on a mini-split heat pump for the highway garage. 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

Bruce Shenker, Environmental Management reported the following:

1. Countywide solarize campaign which is the same as our town solarize campaign. the county is still determining the vendors for the county so it will probably start early next year. This does not really affect our town solarize campaign
There was some discussion of the recycling of the panels when they have completed their lifecycle (in about 30 years), this has nothing to do with solarize campaign but is a consideration if solar farms are located in town at some point.
2. county climate smart coordinator will be Wendy Madsen which she will do half of her time as an associate in the county climate waste department.
3. New York state Styrofoam ban goes into effect January 1. Banned will be expanded polystyrene, single-use foam food and beverage containers, and polystyrene loose fill packaging materials, commonly known as packing peanuts.
4. There was the discussion of the Stretch code which has been adopted in Philmont but has previously been discussed and not adopted in New Lebanon

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

Councilmember Trainor read the following activity summary:

Traffic Control, four false alarms and a structure fire for a total of 39.56-man hours.
6 Emergency Calls, 1 Drills and Training, 0 Other, 22 People and 41.56 Man Hours.

Councilmember Newton added a thank you to the LVPA and everything that they do.

Supervisor Houghtling asked Ed Godfroy, LVPA if it was okay if only Councilmember Trainor continued on as the liaison for the LVPA, Ed agreed.

Highway (Superintendent Winestock & Councilmembers Newton):

Councilmember Newton stated nothing to report at this time.

Historian & LVHS: (Councilmembers Trainor):

LVHS:

Councilmember Trainor reported that the LVHS applied for a grant, the library will be the lead agency. The grant has to do with ongoing projects such as the salary of the intern, digitizing the Tilden collection including the pharmaceuticals. Members of the board are continuing with their ongoing research.

Historian:

Councilmember Trainor reported that Bitsy has had some surgery and is recovering and therefore hasn't been too active at this time.

Justice Court/Constable (Councilmember Trainor):

Councilmember Trainor stated no report.

Library (Councilmember Trainor):

Councilmember Trainor reported that they are very happy about the results of the last election. Michelle is continuing to do a great job and is very active.

Buildings, Parks & Recreation (Councilmembers Newton):

Councilmember Newton stated that there is not much to report.

Seniors (Councilmember Gordon):

Mary Young reported that the Office of the Aging met for December and will not be meeting again until April of 2022. The HEAP program is still available to any senior needing assistance with heating bills or repairs to systems. There is a program for gifting for seniors through Columbia County, those gifts have been collected and will be distributed to seniors that were recommended through the health and social services departments that have special needs. She reported that elections were held and the new president of the Office of the Aging is Stephen King from Claverack and he will take office in January of 2022. There is a new program called EverHome Columbia Incorporated, it is a group of people who will be doing oversight of homebound seniors in Columbia County. This is a pilot program for the state of New York. It will be available to 400 homebound seniors in Columbia County. This can be available for short-term and long-term homebound status.

Volunteers (Councilmember Rasmussen):

Councilmember Rasmussen stated that there is nothing to report at this time.

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

Comparison Committee (Councilmember Trainor & Gordon):

Councilmember Trainor and Councilmember Gordon still need to get together. Nothing to report at this time.

ANNOUNCEMENTS:

DECEMBER: (at the Town Hall)

Wednesday, December 29th, 2021 at 6:00pm – Year End Meeting

Wednesday, December 29th, 2021 at 6:20pm – Public Hearing (LVPA Contract)

Wednesday, December 29th, 2021 at 6:30pm – Special Meeting (Interviews)

JANUARY: (at the Town Hall)

Saturday, January 1st, 2022 at 10:00 am – Swearing in of newly Elected Officials

Monday, January 3rd, 2022 at 5:00pm – Organizational Meeting

Tuesday, January 11th, 2022 at 6:30pm – Special Meeting (Interviews)

Tuesday, January 11th, 2022 at 7:00pm – Regular Meeting

Tuesday, January 18th, 2022 at 5:00pm- Annual Audit of the Books

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.

EXECUTIVE SESSION:

A motion was made by Supervisor Houghtling to enter into an executive session at 9:35pm for the purposes of discussing the medical, financial, credit or employment history of a particular person/corporation or matters leading to said dismissal, removal, promotion, appointment, employment, discipline, demotion or suspension. 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

A motion was made by Supervisor Houghtling to exit Executive Session at 9:40pm. 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

A motion was made by Councilmember Rasmussen authorizing the Town Supervisor to send a letter to a member of a town board. 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

ADJOURNMENT:

A motion was made by Councilmember Newton, to adjourn the meeting at 9:41pm. The motion was seconded by Councilmember Rasmussen.

Roll Call Vote:

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

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

Introductory Local Law No. 3 of the year 2021

**A LOCAL LAW TO AMEND CHAPTER 205 OF THE CODE OF THE TOWN OF NEW
LEBANON**

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

See attached.

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

A mubnshbbA

TOWN OF NEW LEBANON

INTRODUCTORY LOCAL LAW NO. 3 OF THE YEAR 2021

**A LOCAL LAW TO AMEND CHAPTER 205 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 205 of the Code of the Town of New Lebanon”.

SECTION 2

Chapter 205 of the Code of the Town of New Lebanon, entitled “Zoning”, is hereby amended as follows:

A. Subparagraph (4) of Paragraph B of Section 205-12, relating to the jurisdiction of the Zoning Board of Appeals, is hereby amended to read in its entirety as follows:

(4) Hearing appeals. The jurisdiction of the Zoning Board of Appeals shall be appellate and shall include hearing and deciding appeals from and reviewing any order, requirement, decision, interpretation, or determination made by the Zoning Enforcement Officer. An appeal may be taken by any person aggrieved or by an officer, department, board or bureau of the Town.

B. Paragraph D of Section 205-12, relating to imposition of conditions by the Zoning Board of Appeals, is hereby amended to read in its entirety as follows:

D. Imposition of conditions. The Zoning Board of Appeals, in granting use and area variances, shall have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of the Zoning Law and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.

C. Subparagraphs (1) and (2) of Paragraph A of Section 205-13, relating to general provisions governing special use permit review, are amended to read in their entirety as follows:

A. General provisions.

- (1) New Lebanon is a culturally, economically, socially and architecturally diverse community. The Planning Board shall consider this diversity in imposing conditions on special permits and shall not impose specific requirements concerning the exterior aesthetics of the structures being reviewed, except as required to achieve compliance with the performance standards of this section and the height, areas, size, setbacks and all other minimum and maximum limitations as detailed in this chapter.
- (2) Reviewing agency. Special use permit applications shall be made to, and decided by, the Planning Board. (As used in this § 205-13, the term "Board" refers to the Planning Board.)

D. Subparagraph (2)(b) of Paragraph C of Section 205-13, relating to review procedures for special use permits, is amended to read in its entirety as follows:

- (b) Provided that a properly filed application has been received by the Clerk at least ten business days prior to the next regularly scheduled meeting, at such meeting the Board shall review the application contents and determine if the application is complete. If deemed incomplete, the Board shall notify the applicant within five business days in writing of the application's deficiencies. No application shall be deemed complete until a determination of no significance has been made pursuant to SEQRA or until a draft environmental impact statement has been accepted by the lead agency.

E. Subparagraph (9) of Paragraph E of Section 205-13, relating to home occupation use standards, is hereby amended to read in its entirety as follows:

- (9) Home Occupation 2 (HO2). Special use permits for HO2 uses shall be reviewed and determined by the Planning Board. The Planning Board shall grant a special use permit for an HO2 use only where following standards are met:
 - (a) The use shall be compatible with the character of the neighborhood.
 - (b) There shall be no exterior alterations in connection with the profession or occupation that are inconsistent with the character of the neighborhood.
 - (c) The use shall produce no appearance, noise, vibration, smoke, dust, odors, heat, glare or electrical disturbances that would exceed those normally produced by a residence.
 - (d) The use shall not cause a substantial increase in traffic in the neighborhood.

- (e) There shall be no more than two commercial or special purpose vehicles stored at the property. Any commercial or special purpose vehicle on the property shall be screened from view from the street and adjoining properties or stored under cover. Any commercial or special purpose vehicle in excess of 1 1/2 tons in capacity or 24 feet in length shall be stored in an enclosed structure within the principal building or an accessory building, or within the rear yard and shall be screened from view from the street and adjoining properties.

F. Subparagraph (12) of Paragraph E of Section 205-13, relating to motor vehicle sales use standards, is amended to read in its entirety as follows:

(12) Motor vehicle sales.

- (a) Repairs shall be conducted in an enclosed building.
- (b) Only minor repairs of motor vehicles which are for sale at this establishment may be performed unless the owner has received permits required to operate a motor vehicle repair shop.
- (c) Entrance and exit driveways shall total no more than two in number and shall have an unrestricted width of no less than 18 feet nor more than 30 feet and be located no closer than 20 feet to any side lot line. Driveways must be approved by the proper authorities.
- (d) All vehicles shall be set back behind the curbing not less than 50 feet from the center line of travel portion of the road. Curbing shall be required at the frontage of the road, and cars shall be set back far enough behind the curbing so as not to interfere with visibility.
- (e) No banners, pennants, string flags, balloons or other such display shall be permitted.

G. Subparagraph (15) (b) of Paragraph E of Section 205-13, relating to imposition of restrictions on small business operation uses, shall be deleted in its entirety.

H. Subparagraph (16) of Paragraph E of Section 205-13, relating to home-based business use standards, is hereby amended to read in its entirety as follows:

- (16) Home-based business. Special use permits for home-based business uses shall be reviewed and determined by the Planning Board. The Planning Board shall

grant a special use permit for a home-based business only where following standards are met:

- (a) The use shall be carried on by at least one person that resides in the dwelling unit and no more than two persons that do not reside in the dwelling unit.
- (b) No signs are allowed, except as permitted by § 205-17B(11).
- (c) There shall be no more than six commercial or special purpose vehicles stored at the property. All commercial or special purpose vehicles in excess of two shall be screened from view from the street and adjoining properties or stored under cover. Any commercial or special purpose vehicle in excess of 1 1/2 tons in capacity or 24 feet in length shall be stored in an enclosed structure within the principal building or an accessory building, or within the rear yard and shall be screened from view from the street and adjoining properties.
- (d) All materials or other equipment shall be stored within the principal building or accessory building or within the rear yard and shall be screened from view from the street and from adjoining properties. The location of such storage areas shall be identified on a plan submitted to the Planning Board as part of the special use permit application.
- (e) The use shall not produce any appearance, noise, vibration, smoke, dust, odors, heat, glare or electrical disturbance that substantially exceed those normally produced by a residence.
- (f) The use shall not cause a substantial increase in traffic in the neighborhood.
- (g) Sufficient off-street parking for customers, clients, employees and other visitors shall be provided as determined by the Planning Board.

I. Paragraph D of Section 205-14, relating to applicability of site plan review requirements, is hereby amended to read in its entirety as follows:

- D. Site plan review and approval shall be required prior to beginning any new land use activity or changing any land use activity, except with respect to the following:
 - (1) Construction of one- and two-family homes and ordinary accessory structures and related land use activities.

- (2) Landscaping or grading, provided that such landscaping or grading is not undertaken in connection with a project that is otherwise subject to site plan review.
- (3) Ordinary repair or maintenance of existing structures or uses.
- (4) Exterior alterations or additions to existing structures which, when combined with all other exterior alterations or additions over the past five years, results in an aggregate increase in total square footage of such existing structures during such five-year period of not more than 25%.
- (5) Nonstructural agricultural or gardening uses.

J. The introductory paragraph of Paragraph E of Section 205-14, relating to review procedures for site plan review, is amended to read in its entirety as follows:

- E. Procedures, generally. Prior to receiving a building permit and undertaking any new land use activity requiring site plan review, applicants shall prepare a sketch plan and attend the sketch plan conference as hereinafter set forth. The sketch plan shall be filed no fewer than ten business days prior to the next regularly scheduled Planning Board meeting.

K. The introductory paragraph of Subparagraph (3) of Paragraph E of Section 205-14, relating to review procedures for site plan review, is amended to read in its entirety as follows:

- (3) Application. Following the sketch plan conference, an application for site plan approval shall be made, in writing, to the Planning Board. Five copies shall be filed with the Planning/Zoning Clerk at least ten business days prior to the next Planning Board meeting at which the application is on the agenda. The application shall include one or more of the following, as determined to be required by the Planning Board at the sketch plan conference:

L. Subparagraph (13) of Paragraph B of Section 205-17, relating to business signs, is amended to read in its entirety as follows:

- (13) Business signs in a General Commercial, Commercial-Residential, Commercial-Recreational, or Commercial-Industrial District. In the General Commercial, Commercial-Residential, Commercial-Recreational, or Commercial-Industrial zoning districts, any legally established business use not constituting a home occupation, a home-based business, a short-term rental, a boardinghouse, or a business located within a multi-business

complex, shopping center, or mall, shall be permitted to have the following signs in addition to those permitted by § 205-17B(11):

- (a) One freestanding sign not exceeding 24 square feet.
- (b) One wall sign not exceeding the greater of 24 square feet or 1/2 square foot per linear foot of building frontage, but in no event larger than 100 square feet.
- (c) One sandwich board sign not exceeding eight square feet of surface area on each side, provided that such sandwich board sign is removed daily.
- (d) For each food truck operating on the property, one freestanding one-sided sign not exceeding eight square feet of surface area or one sandwich board sign not exceeding eight square feet of surface area on each side, provided that such sign is removed daily.

M. Paragraph C of Section 205-20, relating to definitions of terms, is amended to delete the term and definition for “Home Occupation 3 (HO3)” in its entirety.

N. Paragraph C of Section 205-20, relating to definitions of terms, is amended to amend the following definition of term to read in its entirety as follows:

SPECIAL USE – A land use which is deemed permissible within a given zoning district or districts but which may have the potential to exhibit characteristics or create impacts incompatible with the purposes of such district. The special use shall, therefore, be subject to approval by the Planning Board in accordance with conditions set forth for such use, as well as other applicable provisions of this chapter.

O. Paragraph C of Section 205-20, relating to definitions of terms, is amended to add the following definitions of terms, to be inserted in proper alphabetical order:

FOOD TRUCK – A mobile food service operation located in a licensed motorized vehicle or a movable cart, stand, or trailer and from which food and beverages (pre-packaged or prepared and served from the vehicle or stand) are sold or distributed in individual portions to the general public directly therefrom for consumption on or off of the premises.

FOOD TRUCK OPERATOR – The owner of a food truck or such owner’s agent or employee. Where the food truck is a motorized vehicle required by

law to be registered, the registered owner of such food truck shall be deemed a food truck operator.

P. Section 205-8, relating to supplementary regulations, is amended to add a new Paragraph H to read in its entirety as follows:

H. Food Trucks. All food trucks shall comply with the following standards:

- (1) The size of a food truck shall not exceed 256 square feet, measured from the exterior faces of the food truck.
- (2) The minimum lot size on which one or more food trucks may operate is $\frac{1}{2}$ acre.
- (3) Prior to commencing food truck operations, the food truck operator shall obtain and maintain a Columbia County Department of Health permit where required, and shall operate the food truck in conformance with all applicable Department of Health regulations.
- (4) Prior to commencing food truck operations, the Code Enforcement Officer shall conduct an inspection to determine compliance with all applicable requirements under the New York State Uniform Fire Prevention and Building Code.
- (5) Prior to commencing food truck operations, the food truck operator shall obtain the written consent of the property owner to conduct food truck operations on such property. Such written consent shall be maintained on site at all times.
- (6) No food truck may operate on any property that remains in violation of any provision of this Chapter, Chapter 81 of the Code of the Town of New Lebanon, or the New York State Uniform Fire Prevention and Building Code following the issuance of one or more notices of violation, stop work orders, orders to remedy, appearance tickets, or other enforcement devices.
- (7) Nothing in this Chapter shall be construed as permitting operation of food trucks on publicly owned property or on any public highway.

Q. Attachment 2, entitled "Zoning Law Use Table", of Chapter 205 is amended to read in its entirety as set forth on the annexed Attachment 2.

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.

ZONING

205 Attachment 2

Town of New Lebanon

Zoning Law Use Table

KEY:
 SP = Special use permit
 P = Permitted use (requires zoning permit, granted by right)
 TSP = Town Board Special Permit
 TSPR = Town Board Site Plan Review
 See § 205-14 for applicability of Site Plan Review by the Planning Board.
 Any use not listed shall be prohibited.

	Residential- Agricultural/ Conservation RA-5	Residential- Agricultural RA-2	Residential- Agricultural RA-1	General Commercial C	Commercial- Recreational C-Rec	Commercial - Industrial C-I	Commercial - Residential C-R
Residential Uses							
Residential Uses							
Boardinghouse or group home	SP	SP	SP	SP			SP
Customary accessory uses	P	P	P	P	P		P
Manufactured home	P	P	SP	SP			SP
Mixed use				SP	SP		SP
Mobile home park							SP
Multifamily dwelling	SP	SP	SP	SP			SP
One-/two-family dwelling	P	P	P	SP			P
Temporary housing	SP	SP	SP				SP

NEW LEBANON CODE

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

ZONING

	Residential-Agricultural/Conservation	Residential-Agricultural 2	Residential-Agricultural 1	General Commercial	Commercial-Recreational	Commercial-Industrial	Commercial-Residential
	RA-5	RA-2	RA-1	C	C-Rec	C-I	C-R
Nursing home		SP	SP	SP			SP
Place of worship	P	SP	SP	SP			SP
Private school		SP	SP				SP
Professional office		SP	SP	P	P	P	SP
Public park, forest or recreational area	P	P	P	P	P		SP
Retirement home	SP	SP	SP	SP		SP	
Short-term rental	SP	SP	SP	P			SP
Small business operation (SBO)				SP	SP	SP	SP
Social, recreational or fraternal club				P	P		
Roof-mounted solar energy systems for on-site consumption	P	P	P	P	P	P	P
Ground-mounted solar energy systems for on-site consumption, under 1,000 square feet	P	P	P	P	P	P	P
Ground-mounted solar energy systems for on-site consumption, over 1,000 square feet	SP	SP	SP	SP	SP	SP	SP
Large-scale solar energy systems and community solar energy systems				SP	SP	SP	SP
Stable, commercial	SP	SP	SP	SP	SP		
Stable, private	P	P	P				

NEW LEBANON CODE

	Residential- Agricultural/ Conservation RA-5 TSP/TSPR	Residential- Agricultural 2 RA-2 TSP/TSPR	Residential- Agricultural 1 RA-1 TSP/TSPR	General Commercial C TSP/TSPR	Commercial- Recreational C-Rec TSP/TSPR	Commercial- Industrial C-I TSP/TSPR	Commercial- Residential C-R TSP/TSPR
Telecommunications facility							
Temporary-business trailer				SP	SP	SP	SP
Veterinary hospital	SP	SP	SP	SP			
Business Uses							
Adult use					SP		
Auction sale, excluding livestock auction				SP			
Automobile racing facility					SP		
Bank				P	P	SP	P
Bar				SP	SP		SP
Bowling alley				P	P		P
Car wash				SP	SP		SP
Commercial excavation	SP						
Commercial trades operation				SP		SP	SP
Convenience store							
Dance hall				P	SP		P
Farm market				P	P		P
Farm stand	P	SP	SP	P	P		P
Flea market		P	P	P	P		P
Food Truck				SP	SP		
Greenhouse	P	P	P	P	P	P	P
Hotel				P		P	P
Laundromat				SP	SP		SP
Miniature golf and driving range				SP			SP
Mortuary and funeral parlor				P	P		P

ZONING

	Residential-Agricultural/Conservation RA-5	Residential-Agricultural 2 RA-2	Residential-Agricultural 1 RA-1	General Commercial C	Commercial-Recreational C-Rec	Commercial-Industrial C-I	Commercial-Residential C-R
Motel				SP	SP		SP
Motor vehicle fueling station				SP	SP		SP
Motor vehicle repair and service				SP			SP
Motor vehicle sales				SP	SP		SP
Multi-business complex, shopping center, mall				SP			SP
Personal service shop (barber, beautician, tailor, massage therapist)				P			P
Private recreation area, involving firearms or archery range					SP		
Restaurant (non-drive-through)				P	SP		P
Restaurant (with drive-through)				P	SP		P
Retail store				P	P	SP	P
Self-storage units				P			P
Social club					SP		
Theater, except drive-in				P	P		
Wholesale store							
Industrial Uses				SP			
Light industrial						SP	

NEW LEBANON CODE

	Residential- Agricultural/ Conservation RA-5	Residential- Agricultural 2 RA-2	Residential- Agricultural 1 RA-1	General Commercial C	Commercial- Recreational C-Rec	Commercial- Industrial C-I	Commercial- Residential C-R
Manufacturing						SP	
Research						SP	
Sawmill						SP	
Warehouse and truck terminal				SP		SP	

(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. 4 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 12/14, 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, Town of New Lebanon Town Clerk
Clerk of the county legislative body, City, Town or Village
Clerk or officer designated by local legislative body

(Seal)

Date: 12/15/2021

Addendum B

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

Local Law Filing

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

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

County City Town Village
(select one.)

of New Lebanon

Introductory Local Law No. 4 of the year 2021

A LOCAL LAW TO AMEND CHAPTER 179 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.)

8 mubnabbA

TOWN OF NEW LEBANON

INTRODUCTORY LOCAL LAW NO. 4 OF THE YEAR 2021

**A LOCAL LAW TO AMEND CHAPTER 179 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 179 of the Code of the Town of New Lebanon”.

SECTION 2

Chapter 179 of the Code of the Town of New Lebanon, entitled “Subdivision of Land”, is hereby amended as follows:

A. Paragraph B of Section 179-7, relating to sketch plan submission on major subdivision applications, is amended to read in its entirety as follows:

B. Submission of sketch plan. Any owner of land shall, prior to subdividing or re-subdividing land, submit to the Clerk of the Planning Board at least ten business days prior to the regular meeting of the Board, five copies of a sketch plan of the proposed subdivision, which shall comply with the following requirements for the purposes of classification and preliminary discussion.

B. Paragraph B of Section 179-8, relating to imposition of conditions by the Zoning Board of Appeals, is amended to read in its entirety as follows:

B. Number of copies. Five (5) copies of the preliminary plat shall be presented to the Clerk of the Planning Board at least ten business days prior to a regular monthly meeting of the Planning Board.

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. 5 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 12/14, 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, Town of New Lebanon Town Clerk
Clerk of the county legislative body, City, Town or Village
Clerk or officer designated by local legislative body

(Seal)

Date: 12/15/2021

Addendum C

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

Local Law Filing

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

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

County City Town Village
(select one)

of New Lebanon

Introductory Local Law No. 5 of the year 2021

**A LOCAL LAW TO AMEND CHAPTER 101 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.)

D mubriabba

TOWN OF NEW LEBANON

INTRODUCTORY LOCAL LAW NO. 5 OF THE YEAR 2021

**A LOCAL LAW TO AMEND CHAPTER 101 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 101 of the Code of the Town of New Lebanon”.

SECTION 2

Chapter 101 of the Code of the Town of New Lebanon, entitled “Entertainment, Public”, is hereby amended to read in its entirety as follows:

CHAPTER 101 SPECIAL EVENTS

§ 101-1 Purpose.

The purpose of this Chapter is to promote the health, safety, and general welfare of the residents of the Town of New Lebanon by regulating the holding of special events so as to ensure the convenient use of roadways, the availability of proper public safety resources, compliance by event organizers with applicable regulations, and appropriate arrangements for the safe and orderly conduct of such special events.

§ 101-2 Construal of provisions.

The provisions of this chapter must be construed according to the fair import of their terms to promote and effect the objectives of this chapter. Unless otherwise expressly stated or where different meanings are expressly specified in this chapter, all words, terms and phrases used in this chapter shall have common, everyday, ordinary meaning.

§ 101-3 Definitions.

The following terms shall have the following meanings:

APPLICANT

Any person maintaining, conducting, promoting, operating, holding, advertising, or otherwise causing a special event within the Town of New Lebanon.

LICENSING AUTHORITY

The Town Board of the Town of New Lebanon, if the special event is expected to bring together either (1) 500 or more people at any one time, or (2) an aggregate of 1,000 or more people over the course of any 24-hour period. For all other special events, the Code Enforcement Officer (CEO) shall be the licensing authority.

SPECIAL EVENT

A group activity including, but not limited to, a performance, meeting, assembly, contest, exhibit, ceremony or non-routine activity that (1) will take place on a public road or on any ground abutting thereon, (2) is expected to bring together 150 or more people at one time or an aggregate of 500 or more people over the course of any 24-hour period, and (3) meets one or more of the following criteria: (a) the event involves the rent or lease of a site; (b) the event involves an admission fee; (c) the event involves a parade; or (d) the event involves the display of Class B or higher pyrotechnics.

§ 101-4 Applicability of Special Event License Requirement.

- A. License required. No person shall hold a special event within the Town of New Lebanon, nor promote or advertise such a special event, without first having obtained a special event license pursuant to this chapter.
- B. Exemptions. Notwithstanding the foregoing, the following special events shall be exempt from the requirement to obtain a special event license:
 - (1) Events occurring inside permanently established places of assembly, such as a place of worship, public auditorium, sporting venue, theater, recreation hall, gym, or other structure designed primarily for assembly of people, provided that the maximum number of persons expected to attend or in actual attendance does not exceed the maximum number of occupants for the structure and that the maximum number of vehicles expected to park at the location does not exceed the number of parking spaces available;
 - (2) Events held by or in conjunction with any local, state, or federal government;
 - (3) School-sponsored events held on school property;
 - (4) Events sponsored by a religious organization on property owned by such religious organization;
 - (5) The Memorial Day parade and/or ceremony; and

- (6) Events conducted at a private residence that does not involve the rent or lease of the site to a non-occupant, an admission fee, a parade, or the display of Class B or higher pyrotechnics.

§ 101-5 Procedure.

A. Application Submission. Not less than 90 days prior to the special event where the licensing authority is the Town Board, or not less than 60 days prior to the special event in all other cases, the applicant shall submit an application to the licensing authority that contains the following information:

- (1) The names, addresses, and contact information of the applicant and of a designated contact person (if different than the applicant);
- (2) The street address and tax map parcel identification number(s) of the property on which the special event is proposed to be held;
- (3) A map showing the exact location of the property on which the special event is proposed to be held, the names of owners of adjoining properties, the roads abutting the subject property, the size and location of any existing or proposed buildings, structures, and other facilities to be used for the special event, whether permanent or temporary, the location of any parking areas, the location of sanitary facilities and solid waste collection bins and storage containers, and any temporary or permanent lighting fixtures to be used during the special event;
- (4) The name, mailing address, and contact information of the owner of the property on which the special event is proposed to be held;
- (5) The signed written consent of the property owner to the applicant's submission of the application, to the holding of the special event at the site, and to the entry and inspection by the licensing authority or the authorized representative of the licensing authority as provided in this Chapter;
- (6) A narrative describing:
 - (a) The general purpose and nature of the special event;
 - (b) The proposed activities that will occur at the special event;
 - (c) The anticipated maximum attendance at the special event at any one time and in the aggregate during any 24-hour period;
 - (d) The dates and proposed hours of operation of the special event;
 - (e) Whether alcoholic beverages or cannabis products will be sold or permitted at the event;

- (f) Whether a fee will be charged for admission and/or for parking;
- (g) Whether the event involves the rental or leasing of the proposed special event site and/or any facilities located on the site;
- (h) Whether a tent or tents will be erected for use at the special event;
- (i) The plans for parking, vehicular and pedestrian traffic circulation within the site, and for sanitation, waste removal, and lighting;
- (j) For events for which the Town Board is the licensing authority, the plans and availability of police, highway safety personnel, and on-site security personnel for the special event, along with a written statement from such police, highway safety personnel, and on-site security personnel setting forth a description of the services to be provided in connection with the special event; and
- (k) A copy of all other required licenses for the special event, including without limitation and as applicable, sanitary facilities, waste removal, food service, and alcohol or cannabis sales, or if such licenses have not been issued as of the date of submission, a copy of the applications submitted therefor.

(7) Where required under the New York State Environmental Quality Review Act, a properly completed and executed Part 1 of the Environmental Assessment Form.

B. Effect of Application.

- (1) Submission of an application hereunder constitutes the consent of the applicant to the entry upon and inspection of the proposed site by the licensing authority and/or the authorized representative(s) of the licensing authority for purposes of ascertaining the appropriateness of the site for the special event.
- (2) Submission of an application hereunder constitutes the agreement by the applicant that it will indemnify, hold harmless, and defend the Town of New Lebanon, its departments, boards, agents, employees, officers, personnel, and independent contractors from and against any and all liability, damages, judgments, suits, claims, costs and expenses, including reasonable attorneys' fees, whatsoever, arising from or as a result of the special event or from any decision made on a special event license application.

C. Fees and Costs. With the application, the applicant shall submit payment of the application fee in the amount as set forth on the Town of New Lebanon Fee Schedule then in effect. In addition, prior to the commencement of the review of the application, the applicant shall deposit an amount into escrow to pay for the reasonable expenses, including without limitation, professional engineering services, contracted code

inspection/review services, and legal services, that are incurred in the review of the application. The initial amount required to be deposited into escrow shall be set forth in writing by the licensing authority based upon written estimates provided by any service providers engaged or to be engaged by the licensing authority. Any amount of the escrow that is not used to pay the Town's review costs shall be returned to the applicant. To the extent the amount in escrow is insufficient to pay all of the Town's review costs, the applicant shall be responsible to submit such additional deposit or deposits as may be reasonably necessary to cover such deficiency upon written notice from the licensing authority.

- D. **Completeness of Application.** An application for a special event license hereunder shall not be considered complete until all items required under Section 101-5 (A) are submitted and payment of the application fee and deposit of any required initial escrow amount are made pursuant to Section 101-5 (C).
- E. **Public Hearing.** Where the Town Board is the licensing authority, it may conduct a public hearing concerning the application not less than thirty days prior to the special event, with notice of such public hearing being published in the official newspaper not less than 5 business days prior to the public hearing.
- F. **Determination.** The licensing authority shall make a written determination on the special event license application based upon the standards set forth in Section 101-5 (G). Where the licensing authority is the Town Board, the determination shall be made within sixty days of receiving a complete application. Where the licensing authority is the Code Enforcement Officer, the determination shall be made within thirty days of receiving a complete application.
- G. **Standards.** The licensing authority shall consider the following standards in determining whether to issue a license for a special event:
 - (1) Sufficiency of parking and vehicular and pedestrian traffic circulation in conformance with the New York State Uniform Fire Prevention and Building Code;
 - (2) Accessibility of permanent facilities and temporary structures or facilities for firefighting or other life safety vehicles in conformance with the New York State Uniform Fire Prevention and Building Code;
 - (3) Sufficiency of sanitation/toilet facilities in conformance with the New York State Uniform Fire Prevention and Building Code;
 - (4) Sufficiency of waste storage and removal in conformance with the New York State Uniform Fire Prevention and Building Code;
 - (5) Conformance of proposed temporary structures, facilities, and/or tents with the New York State Uniform Fire Prevention and Building Code;

(6) Adequacy of lighting in conformance with the New York State Uniform Fire Prevention and Building Code; and

(7) Where the licensing authority is the Town Board, the appropriateness of the site given the anticipated number of attendees, the demonstrated ability of the applicant to comply with requirements and the history of the applicant in complying with such requirements, and the potential for the event to present a nuisance to the neighborhood as a result of off-site impacts, including but not limited to noise, glare, disruption of vehicular and pedestrian traffic flow, and parking.

H. Conditions. The licensing authority shall have the authority to impose any conditions on a special event license that are reasonably related to the standards set forth in Section 101-5 (G). In addition, all licenses issued pursuant to this Chapter shall be deemed to include the following mandatory conditions, regardless of whether such conditions are expressly set forth within the license itself:

- (1) The special event shall not exceed four consecutive days.
- (2) The cumulative number of days on which special events are held on a property may not exceed twelve days in any twelve-month period.
- (3) Temporary structures, including but not limited to tents, toilet facilities, ticket booths, and performance stages, must be inspected and approved by the Code Enforcement Officer prior to commencement of the special event.
- (4) By applying for the license, the applicant irrevocably provides consent to entry upon the site by the licensing authority or by any representative of such licensing authority during the special event to inspect the special event for the purpose of ascertaining compliance with the license requirements.
- (5) All entertainment that occurs outdoors, in or on temporary structures, including without limitation, tents and performance stages, or in venues that are not fully enclosed, shall end at the following times:
 - (a) If the event is held in the Residential-Agricultural/Conservation (RA-5), the Residential-Agricultural 2 (RA-2), Residential-Agricultural 1 (RA-1), or Commercial-Residential (C-R) zoning district, 10:00 p.m. on Sundays through Thursdays, and 11:00 p.m. on Fridays and Saturdays.
 - (b) If the event is held in any zoning district other than those specified in Section 101-5 (H) (5) (a), above, 11:00 p.m. on Sundays through Thursdays, and 11:59 p.m. on Fridays and Saturdays.
- (6) The special event shall comply with all applicable federal, state and local laws.

- I. **Insurance Requirements.** Prior to commencement of activity at the site in preparation for the special event, the applicant, where the licensing authority is the Town Board, shall submit proof to the licensing authority of current comprehensive general liability and property damage insurance coverage for the special event in such coverage amount(s) to be established by the Town Board for such special event which lists the Town of New Lebanon as an additional insured.
- J. **Appeal.** Any party aggrieved by a decision of the licensing authority may seek review of the decision as follows:
 - (1) If the licensing authority is the Code Enforcement Officer, an appeal shall be made to the Town Board within ten days of the date of the decision made by the Code Enforcement Officer.
 - (2) If the licensing authority is the Town Board, or if the Town Board renders a decision on an appeal from a decision under this Chapter by the Code Enforcement Officer, an aggrieved party may seek judicial review in accordance with Article 78 of the Civil Practice Law & Rules.

§ 101-6 Enforcement.

- A. **Revocation/Suspension.** The licensing authority may revoke or suspend any special event license issued under this Chapter upon its determination that the applicant has violated any provisions of the special event license, any provisions of this Chapter, or any provisions of state law affecting the special event. To the extent practicable without endangering the health or safety of the public or attendees, the licensing authority shall first give the applicant notice of the alleged violation(s) and an opportunity to be heard with respect thereto prior to such revocation or suspension.
- B. **Injunctive Relief.** The Town of New Lebanon shall have the right to seek relief from a court of competent jurisdiction, including without limitation, injunctive relief to prevent, restrain, enjoin, correct, or abate any violation of this Chapter or of any special event license issued hereunder.
- C. **Criminal and Civil Penalties.** Any person violating any provision of this Chapter, or a special event license issued pursuant to this Chapter, shall be guilty of an offense and upon conviction thereof shall be subject to a fine of not more than \$2,500 or to imprisonment not to exceed 15 days, or to both fine and imprisonment, for each and every violation, and shall also be subject to a civil penalty enforceable and collectible by the Town of New Lebanon in the amount of \$2,500 for each and every violation. The Code Enforcement Officer is authorized to issue appearance tickets for any violation of this Chapter or of any special event license issued hereunder.

D. The provisions in this Section 101-6 shall not be deemed exclusive and each remedy or penalty specified in this section shall be in addition to, and not in substitution for or limitation of, any other remedies or penalties available under law.

SECTION 3

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

SECTION 4

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

SECTION 5

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

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

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

I hereby certify that the local law annexed hereto, designated as Local Law No. 6 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 12/14, 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 Officer²)~~

~~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.)

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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.

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

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

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

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

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

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



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

(Seal)

Date: 12/15/21

