

TOWN OF NEW LEBANON TOWN BOARD

Resolution #___for 2025

Authorizing Supervisor to Take All Further Actions Necessary to Commence and Complete the Former Town of New Lebanon Landfill Closure Construction Project

July 8, 2025

WHEREAS, that certain +/- 10.31-acre property located along Old Post Road, Town of Lebanon, Columbia County, New York, identified as Town of Lebanon Tax Map. No. 9.-1-17.3 (the “Property”) is the site of a former landfill (the “Landfill”); and

WHEREAS, pursuant to that certain Schedule of Compliance (the “Schedule”) in Order on Consent R4-20040302-28, effective August 18, 2008 (the “Order”), issued by the New York State Department of Environmental Conservation (the “DEC”), the Town of New Lebanon (the “Town”) is required to complete final closure of the Landfill in accordance with applicable law, including, without limitation, the regulations of the DEC (the “Project”); and

WHEREAS, pursuant to 6 NYCRR § 617.5(c)(35), SEQRA review of activities associated with the Town’s actions to comply with the Order is not required; and

WHEREAS, on May 14, 2024, by resolution of the Town Board of the Town (the “Town Board”), the Town Supervisor was authorized to enter into an agreement with Barton & Loguidice (the “Engineer”) to prepare the closure plan and bid documents for the Project and apply for certain permits from the DEC for the Project; and

WHEREAS, on May 14, 2024, by resolution of the Town Board, the Town Supervisor was authorized to retain Whiteman Osterman and Hanna LLP (the “Town Special Counsel”) as legal counsel for the Town in connection with the Project; and

WHEREAS, on October 8, 2024 by the Resolution #20 of 2024, the Town Board authorized the Town Supervisor to take all actions necessary for the Town to (i) acquire the Property from the current owner, Sherman Development, LLC, and (ii) acquire certain easements and other real property interests from the adjoining property owner, Amlaw Pit, LLC, as may be necessary in connection with the Project (the “Easements”); and

WHEREAS, on January 1, 2025, the Town Board authorized the Town Supervisor to issue a Request For Bids from qualified contractors for the furnishing of all labor and materials necessary for the Project (the “RFB”); and

WHEREAS, on February 7, 2025, the Town issued the RFB; and

WHEREAS, on March 11, 2025, by Resolution #13 of 2025, the Town Board preliminarily awarded the RFB to Wm. J. Keller & Sons Construction Corp. (the “General Contractor”); and

WHEREAS, on June 18, 2025, the DEC approved the Town’s closure plan and construction documents for the Project; and

WHEREAS, on June 26, 2025, the Town Supervisor received satisfactory written confirmation of State funding for the Project; and

WHEREAS, on June 27, 2025, the Town acquired the Property and the Easements; and

WHEREAS, the performance of the Project requires the Town to enter into certain construction agreements with the General Contractor, certain grant disbursement agreements with the Dormitory Authority of the State of New York (“DASNY”) and/or such other New York State agencies providing funding for the Project, certain amendments to the Order and other agreements with the DEC, and such other documents and agreements necessary to effectuate the Town’s performance and completion of the Project and the reimbursement of the costs incurred by the Town related to the Project (collectively, the “Project Agreements”).

NOW THEREFORE BE IT RESOLVED, that the Town Board authorizes and directs the Town Supervisor, on behalf of and in the name of the Town, to cause the negotiation, review, execution and delivery of the Project Documents, on terms and conditions the Town Supervisor determines, upon advice of the Engineer and Town Special Counsel, to be in the best interests of the Town; and

BE IT FURTHER RESOLVED, that the Town Board authorizes and directs the Town Supervisor, on behalf of and in the name of the Town, to take all actions and to execute and deliver any and all documents which the Town Supervisor deems necessary, advisable or appropriate to effectuate the Town’s performance and completion of the Project and the reimbursement of the costs incurred by the Town related to the Project, without further authority or approval by the Town Board; and

BE IT FURTHER RESOLVED, that all actions taken and all instruments executed by the Town Supervisor, prior to the adopting of these resolutions with respect to the matters set forth herein, are hereby ratified by the Town Board and approved and confirmed as actions of the Town; and

BE IT FURTHER RESOLVED, that all of the foregoing resolutions are in furtherance of the purposes of the Town; and

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately.

[Certification Page Follows]

Motion by: _____

Seconded by _____

The foregoing resolution was voted upon with all members of the Town Board voting as follows:

	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
Tistrya Houghtling, Supervisor	_____	_____	_____	_____
Joanne Amlaw, Councilmember	_____	_____	_____	_____
Scout Metzler, Councilmember	_____	_____	_____	_____
Steve Powers, Councilmember	_____	_____	_____	_____
Craig Skerkis, Councilmember	_____	_____	_____	_____

Dated: July 8, 2025
New Lebanon, New York

VOTE IS CERTIFIED BY:

Marcie Robertson, Town Clerk

Date