

**MINUTES OF THE REGULAR MONTHLY MEETING OF
THE TOWN BOARD OF THE TOWN OF NEW LEBANON
HELD ON APRIL 9, 2019**

Present: Colleen Teal, Supervisor
Kevin Smith Sr., Councilmember
Jesse Newton, Councilmember
Mark Baumli, Councilmember
Norman Rasmussen, Councilmember

Recording Secretary: Tistrya Houghtling, Town Clerk

Others Present: Jessica Byrne, Town Justice
Robert Gilson, CAC Member
Michael Blatt, Planning Board Chair
Jeff Winestock, Highway Superintendent
Bruce Shenker, NL Rep to CC Enviro Mgmt Council
Ed Godfroy, LVPA
Judy Zimmer, NL Rep to CC Office for the Aging
Cynthia Creech, Court Clerk & CAC Member
Robert Smith, Planning Board & Ethics Board Member
Tegan Joy Cook, Recreation Commission Member
Thaddeus Flint, *The Eastwick Press*
Several members of the public

CALL TO ORDER:

The meeting was called to order at 7:01 p.m. by Supervisor Teal. A moment of silence was followed by the flag salute. Supervisor Teal pointed out the emergency exits.

MINUTES:

The minutes of the **March 12, 2019 Special Meeting, March 12, 2019 Regular Monthly Meeting** and the **March 21, 2019 Special Meeting** were reviewed. A motion was made by Supervisor Teal, seconded by Councilmember Newton and approved unanimously to accept the above noted minutes as typed.

FINANCIAL:

Supervisor's Report:

Supervisor Teal provided the public and TB members with a copy of the Supervisor's Report as of March 31, 2019. A motion was made by Councilmember Smith, seconded by Councilmember Newton and approved unanimously to accept the Supervisor's report as typed.

Supervisor Teal stated that the Town Board has an updated spreadsheet for the reserves and surplus. She stated that we had taken funding from the capital reserve for the park, the basketball court, for the last payment that we made to them. There is still \$4,000 for the basketball court which will be the final payment when everything is finalized. We took \$10,413 from unrestricted fund balance for the PESH fuel tank project.

Councilmember Rasmussen stated that he sees that we only have \$26,000 in the highway reserve for all of the capital equipment and buildings in the highway department. He thinks this number is only meaningful if it is in relation to the total value of what we have and the expected lifetime for each piece of equipment. He stated that in the same vein that we had a discussion with the LVPA last year, he would like to request that we, with some sense of urgency, determine what our capital plan is for the equipment so we can be sure that we are reserving an adequate amount to be prepared for the future purchases that are certainly going to have to be made. Supervisor Teal stated that she can make sure that she has for the May meeting the current values. She asked Highway Superintendent to work with her on expected life of the equipment. Highway Superintendent Winestock agreed to work on this with Supervisor Teal. Councilmember Smith stated that he can also work with them on this.

Councilmember Rasmussen stated that in January Supervisor Teal said she was going to work on the 284 agreement that is required and it is not done yet. He asked when Supervisor Teal and Highway Superintendent Winestock expect to finish it. Supervisor Teal asked Highway Superintendent Winestock if they can put that together for the May meeting. Highway Superintendent Winestock agreed.

OLD BUSINESS:

Local Law No. 1 of 2019:

Supervisor Teal read aloud and with the Town Board reviewed the short environmental assessment form prepared by the Town Attorney.

Supervisor Teal made a motion to accept and adopt the short environmental assessment form and negative declaration as prepared by the Attorney for the Town in relation to the enactment of Local Law #1 of 2019. Councilmember Newton seconded that motion.

Roll Call Vote:

Councilmember Rasmussen -	Aye
Councilmember Smith -	Aye
Supervisor Teal -	Aye
Councilmember Newton -	Aye
Councilmember Baumli -	Aye

Supervisor Teal made a motion to enact introductory Local Law #1 of 2019 of the Town of New Lebanon as Local Law #1 of 2019 of the Town of New Lebanon and to direct the Town Clerk to file Local Law #1 of 2019 in the office of the New York State Department of State in compliance with all applicable legal requirements. Councilmember Newton seconded that motion.

Roll Call Vote:

Councilmember Rasmussen -	Aye
Councilmember Smith -	Aye
Supervisor Teal -	Aye
Councilmember Newton -	Aye
Councilmember Baumli -	Aye

Resolution #14 of 2019 – Town Policies:

TOWN OF NEW LEBANON

RESOLUTION #14, 2019

**ADOPTION OF TOWN OF NEW LEBANON APPROVED TRAVEL POLICY, DATA BREACH NOTIFICATION POLICY, INVESTMENT POLICY, KEY POLICY, PERSONNEL POLICIES, SEXUAL HARASSMENT POLICY, AND WORKPLACE VIOLENCE POLICY
APRIL 9, 2019**

At a regular 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 9th day of April, 2019, the following Resolution was proposed and seconded:

Resolution by Supervisor Teal
Seconded by Councilmember Baumli

ADOPTION OF APPROVED TRAVEL POLICY, DATA BREACH NOTIFICATION POLICY, INVESTMENT POLICY, KEY POLICY, PERSONNEL POLICIES, SEXUAL HARASSMENT POLICY, AND WORKPLACE VIOLENCE POLICY

WHEREAS, the Town Board of the Town of New Lebanon has made or seeks to make various amendments to update, modernize, simplify, and clarify the Town Code of the Town of New Lebanon (the “Town Code”); and

WHEREAS, the Town Code included as separate chapters various policies relating to approved travel, data breach notification, investments, keys, personnel, sexual harassment, and workplace violence (the “Policies”), all of which the Town Board of the Town of New Lebanon determines are appropriate policies to maintain, but further determines that such policies should not be codified as separate chapters in the Town Code; and

WHEREAS, the Town Board of the Town of New Lebanon is considering adopting or has adopted a local law that would remove the Policies from the Town Code; and

WHEREAS, the Town Board of the Town of New Lebanon deems it to be in the public interest to adopt the Policies by resolution and to provide for maintenance of copies of the Policies by the Town Clerk;

NOW, THEREFORE, BE IT RESOLVED, as follows:

1. The Town Board hereby approves and adopts the Town of New Lebanon Approved Travel Policy, a copy of which is annexed hereto; and
2. The Town Board hereby approves and adopts the Town of New Lebanon Data Breach Notification Policy, a copy of which is annexed hereto; and
3. The Town Board hereby approves and adopts the Town of New Lebanon Investment Policy, a copy of which is annexed hereto; and
4. The Town Board hereby approves and adopts the Town of New Lebanon Key Policy, a copy of which is annexed hereto; and
5. The Town Board hereby approves and adopts the Town of New Lebanon Personnel Policies, a copy of which is annexed hereto; and
6. The Town Board hereby approves and adopts the Town of New Lebanon Sexual Harassment Policy, a copy of which is annexed hereto; and

7. The Town Board hereby approves and adopts the Town of New Lebanon Workplace Violence Policy, a copy of which is annexed hereto; and

BE IT FURTHER RESOLVED, that the Town Clerk shall maintain a copy of this Resolution and the policies adopted hereby, and shall make same available for copying and inspection in accordance with law and as the Town Board may direct.

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

Roll Call Vote:

Councilmember Norman Rasmussen	Aye
Councilmember Kevin Smith	Aye
Supervisor Colleen Teal	Aye
Councilmember Jesse Newton	Aye
Councilmember Mark Baumli	Aye

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

****SEE ATTACHMENT A FOR COPIES OF POLICIES AS ADOPTED VIA RESOLUTION # 14 OF 2019****

Supervisor Teal stated that the cell phone policy, credit card policy, compensation plan and procurement policy were not included. Those have been adopted by resolution and were not included in the code so they are still on record and will be incorporated into the resolution binder. Because they are not in the code we don't have to take them out.

Resolution #15 of 2019 – Fee Schedule:

TOWN OF NEW LEBANON

RESOLUTION #15, 2019

ADOPTION OF TOWN OF NEW LEBANON FEE SCHEDULE

APRIL 9, 2019

At a regular 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 9th day of April, 2019, the following Resolution was proposed and seconded:

Resolution by Supervisor Teal
Seconded by Councilmember Smith Sr.

ADOPTION OF FEE SCHEDULE

WHEREAS, the Town Board of the Town of New Lebanon has made or seeks to make various amendments to update, modernize, simplify, and clarify the Town Code of the Town of New

Lebanon (the “Town Code”); and

WHEREAS, the Town Code included as separate chapter the Town’s fee schedule for various applications, permits, licenses, registrations, and other items; and

WHEREAS, the Town Board of the Town of New Lebanon determines it to be appropriate to maintain the fee schedule as set forth in the chapter in the Town Code, but further determines that such fee schedule should not be codified as a separate chapter in the Town Code; and

WHEREAS, the Town Board of the Town of New Lebanon is considering adopting or has adopted a local law that would remove the fee schedule from the Town Code; and

WHEREAS, the Town Board of the Town of New Lebanon deems it to be in the public interest to adopt the fee schedule by resolution and to provide for maintenance of copies of the fee schedule by the Town Clerk;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby approves and adopts the Town of New Lebanon Fee Schedule, a copy of which is annexed hereto; and

BE IT FURTHER RESOLVED, that the Town Clerk shall maintain a copy of this Resolution and the fee schedule adopted hereby, and shall make same available for copying and inspection in accordance with law and as the Town Board may direct.

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

Roll Call Vote:

Councilmember Norman Rasmussen	Aye
Councilmember Kevin Smith Sr.	Aye
Supervisor Colleen Teal	Aye
Councilmember Jesse Newton	Aye
Councilmember Mark Baumli	Aye

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

****SEE ATTACHMENT B FOR A COPY OF FEE SCHEDULE AS ADOPTED VIA**

RESOLUTION #15 OF 2019**

Generator Bids:

Town Clerk Houghtling read the following bid notice aloud:

NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN that the Town of New Lebanon, NY is seeking bids for a 20kw LP Generator fully installed. The Town of New Lebanon invites sealed bids for this work. The bid is for supplying and installing the generator, and must include delivery, installation and full set up. Please note, the LP tank and the crushed graded compacted gravel pad shall not be included in the work/bid. The Town of New Lebanon will obtain the LP tank and the pad. All necessary piping for the LP tank shall be part of the work/bid.

The bid shall include all necessary equipment, parts, labor, materials, etc. for an emergency generator to service the Town Hall and the Town Highway Garage and shall include, minimally, the follow:

- One (1) air-cooled 20Kw Liquid Propane (LP) fueled emergency generator;
- The above noted generator shall have a minimum 6 year warranty;
- A fully automatic transfer switch;
- A cold weather kit with block and battery warmer heater;
- The transfer switch shall be connected to the main circuit panel located in the basement of Town Hall;
- Two (2) high voltage relays, one for each electric water heater (there are two);
- All required wiring and conduits;
- All required piping (for LP fuel);
- **Please note:** New York State Prevailing Wage Rates must be met/used as this is a public project.

The above is to be performed in accordance with the emergency generator manufacturer's recommendation, the requirements of the NEC and NFPA as applies to such installations, and, any/all related building codes. The intent is to have a functioning emergency generator (with a 6 year warranty) that will service both the Town Hall and the Highway Department buildings. With the exception of the LP fuel tank, a complete functioning emergency generator system is the intent and goal of the project.

All interested Bidders are encouraged, welcomed and urged to visit the site. A project representative from the Town of New Lebanon will be available on March 21, 2019 from 10:00 AM to 11:00 AM to discuss the project and answer questions.

Bids will be received by the Town Clerk of the Town of New Lebanon, NY, Town Hall, 14755 Route 22 North, New Lebanon, NY 12125 until 4:00 PM on or before Friday, March 29, 2019 at which time and place they will be publicly opened and read aloud, with the contract being awarded, if acceptable, on April 9, 2019, 7:00 PM, at the Regular Monthly Meeting of the Town Board at 14755 Route 22, New Lebanon, NY 12125.

Questions can be directed to the Town Clerk during the Clerk's business hours of Monday, Wednesday, Thursday, and Friday from 9:00 am to 5:00 pm. There are no bid documents. All bids must include a non-collusive bidding certificate which can be obtained from the Town Clerk's office by emailing townclerk@townofnewlebanon.com.

The Town of New Lebanon Town Board expressly reserves the right to waive any irregularities in or to accept any bid or to reject any and all bids or to award on any or all items.

No bidder may withdraw his/her bid within twenty-five (25) days after the actual date of the bid opening.

Town Clerk Houghtling stated that we received two bids, one from the Generator Store in the amount of \$11,499.00 and one from M.K. Electric Inc. in the amount of \$23,728.00.

Councilmember Smith made a motion to accept the bid from the Generator Store in the amount of \$11,499.00. Supervisor Teal seconded that motion.

Roll Call Vote:

Councilmember Rasmussen -	Aye
Councilmember Smith -	Aye
Supervisor Teal -	Aye
Councilmember Newton -	Aye
Councilmember Baumli -	Aye

Supervisor Teal stated that the bid did not include the propane tank or the propane. She asked if we need that for installation. Councilmember Smith stated that we need to go out to bid for propane. He stated that usually they supply the tanks but with a generator we won't use much propane so he is not sure if they will include the tanks or if we will need to buy the tanks. Highway Superintendent stated that if you don't buy the tanks, you need to switch tanks any time you switch propane vendors. Ed Godfroy stated that the County bought their propane tanks because they changed vendors so often. The Town Board decided to go out to bid for propane and ask bidders to specify any additional costs to install or remove the tanks and then decide if we should buy our own tanks or use the ones from the propane vendor after we see the costs for installation and removal of tanks on the bids.

Supervisor Teal made a motion to go out to bid on propane including costs on installation and/or removal of the tanks with bids due by 4pm on Friday, May 10th. Councilmember Newton seconded that motion.

Roll Call Vote:

Councilmember Rasmussen -	Aye
Councilmember Smith -	Aye
Supervisor Teal -	Aye
Councilmember Newton -	Aye
Councilmember Baumli -	Aye

Highway Truck Bids:

Town Clerk Houghtling read the following bid notice aloud:

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

NOTICE IS HEREBY GIVEN that the TOWN OF NEW LEBANON HIGHWAY DEPARTMENT is seeking sealed bids for one (1) 2019 4 wheel drive combination side dump with a 4-way 9 foot plow with a minimum GVW of 19,500 lbs. Cab and Chassis must be delivered within 30 days of notice of acceptance of bid. Specs

are available at the office of the Town Clerk and/or the Town Highway Superintendent. Bids MUST be in a SEALED, PLAIN WHITE ENVELOPE (no logo); marked "TRUCK BID"; include a NON-COLLUSIVE BIDDING CERTIFICATION and received in the office of the Town Clerk at the New Lebanon Town Hall, 14755 Route 22, New Lebanon, New York, no later than 4:00 P.M. on FRIDAY, APRIL 5, 2019. The bids will be opened at the office of the Town Clerk at 4:00 p.m. on FRIDAY, APRIL 5, 2019. Bids will be reviewed by the Highway Superintendent and the New Lebanon Town Board at the Town Meeting Hall, 14755 State Route 22, New Lebanon, at 7:00pm on April 9, 2019. The Town Board reserves the right to accept or reject any or all bids.

Town Clerk Houghtling stated that we received one bid from Marchese Ford in the amount of \$120,197.00 with the chassis from Marchese costing \$52,499.00 and the body from Zwack costing \$67,698.00 for the total cost of \$120,197.00.

Supervisor Teal stated that we have \$50,000 in this year's budget set aside for this truck. There is \$26,500 in the capital reserve for highway equipment. That leaves a difference of about \$45,000. We could bond that. We currently have one bond and one loan on highway vehicles for a total of about \$39,000 annually in payments and that is significantly lower than we normally carry so we could do the \$45,000 through bond or installment. We have a couple pieces of old equipment going up for sale on auctions international and she would recommend that when those sell, the proceeds go into the capital reserve fund and then we can re-assess how to finance the new truck purchase as we get closer to receiving the truck which will take some time to build.

Supervisor Teal made a motion that for all surplus highway equipment sold, unless otherwise stipulated by the Town Board, the revenues go to the highway capital reserve account. Councilmember Newton seconded that motion.

Roll Call Vote:

Councilmember Rasmussen -	Aye
Councilmember Smith -	Aye
Supervisor Teal -	Aye
Councilmember Newton -	Aye
Councilmember Baumli -	Aye

Councilmember Smith made a motion to accept the bid from Marchese Ford in the amount of \$120,197.00 with final funding to be determined at a later date. Councilmember Newton seconded that motion.

Roll Call Vote:

Councilmember Rasmussen -	Aye
Councilmember Smith -	Aye
Supervisor Teal -	Aye
Councilmember Newton -	Aye
Councilmember Baumli -	Aye

Councilmember Smith stated that we had to get a clean title for the 2008 International that the board approved to be listed on Auctions International. He stated it will be listed for

auction on April 29th with bids due the day before the next board meeting. The Town Board can then accept or reject the bid. If it's not as much as we would like the board will have to determine a minimum price we will accept that they will then offer to the highest bidder. Supervisor Teal asked Highway Superintendent Winestock if he wants to put either of the other trucks out to bid. He stated yes to the 1999 International highway truck.

Supervisor Teal made a motion to declare the 1999 International highway truck as surplus and authorize Councilmember Smith to put it out to bid with Auctions International. Councilmember Smith seconded that motion.

Roll Call Vote:

Councilmember Rasmussen -	Aye
Councilmember Smith -	Aye
Supervisor Teal -	Aye
Councilmember Newton -	Aye
Councilmember Baumli -	Aye

Planning Board Appointment:

Councilmember Smith made a motion to appoint Tegan Cook to the vacant Planning Board term to expire 12/31/2022. Supervisor Teal seconded that motion.

Roll Call Vote:

Councilmember Rasmussen -	Aye
Councilmember Smith -	Aye
Supervisor Teal -	Aye
Councilmember Newton -	Aye
Councilmember Baumli -	Abstain (stated he was not at interviews)

Terms of Office:

Supervisor Teal stated that the first is a resolution because Columbia County is a board of supervisors, in order to consider changing the term of office from 2 to 4 years for Town Supervisor it has to be done by resolution. There is a resolution to extend the Town Supervisor term from 2 years to 4 years. It will be on the ballot for November 5, 2019 and, if passed by the voters, it will take effect on the following term, January 1, 2022.

TOWN OF NEW LEBANON

RESOLUTION #16, 2019

EXTENDING TOWN SUPERVISOR'S TERM OF OFFICE

APRIL 9, 2019

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 9th day of April 2019, the following Resolution was proposed and seconded:

Resolution by Supervisor Teal

Seconded by Councilmember Smith Sr.

A RESOLUTION INCREASING THE TERM OF OFFICE OF THE TOWN SUPERVISOR FROM TWO (2) YEARS TO FOUR (4) YEARS

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

WHEREAS, Town Law §24-a authorizes the town board to adopt at least 150 days prior to a biennial town election a resolution, subject to mandatory referendum, to change the term of office for elective officers to four years,

NOW THEREFORE BE IT RESOLVED:

Section 1. INCREASE IN TERM OF OFFICE: The term of office of the elected Town Supervisor shall be four years. Such four-year term shall commence as of the first day of January **2022**, and shall apply to the person elected to such office at the biennial town election to be held on November **2021** and to those elected thereafter, provided a proposition submitted pursuant to Section 2 below is approved.

Section 2. MANDATORY REFERENDUM: This resolution is adopted subject to a mandatory referendum and shall be submitted for approval of the qualified voters of the Town of New Lebanon at the biennial town election to be held on **November 5, 2019**. A proposition in substantially the following form shall be included on the ballot at such biennial town election, and the increased term of office shall not take effect unless such proposition is approved by a majority vote of the qualified voters voting thereon:

Shall Resolution No.16 of 2019, entitled “A Resolution Increasing the Term of Office of the Town Supervisor from Two (2) Years to Four (4)Years” be approved?

Section 3. EFFECTIVE DATE: This resolution shall become effective immediately upon approval by the qualified voters.

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

Roll Call Vote:

Councilmember Norman Rasmussen	Aye
Councilmember Kevin Smith Sr.	Aye
Supervisor Colleen Teal	Aye
Councilmember Jesse Newton	Nay
Councilmember Mark Baumli	Aye

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

Supervisor Teal stated that the other 3 positions will be done by local law. The opportunity that we have by doing it by local law is to set the date that it takes effect. Part of the goal if this goes forward is to have the Town Clerk and the Town Supervisor staggered so you wouldn't have a new Clerk and Supervisor in the same year. Since the Supervisor will begin in 2022, the local laws we will adopt will set the new term of 4 years for Town Clerk, Town Tax Collector and Town Highway Superintendent for January 1, 2020. When residents vote in November for these local laws, you will be also voting for it to take affect on those 3 positions immediately. Councilmember Baumli asked if each position will be individually on the ballot. Supervisor Teal stated yes. Supervisor Teal stated that all

Town Board members have in final form Introductory Local Law #2 of 2019, Introductory Local Law #3 of 2019 and Introductory Local Law #4 of 2019. She stated that the public hearing will be for these local laws but if anyone has comments on the resolution adopted for the Town Supervisor term, the Town Board will hear them at that time as well.

Supervisor Teal made a motion to accept Introductory Local Law #2 of 2019, Introductory Local Law #3 of 2019 and Introductory Local Law #4 of 2019 and to schedule a public hearing for all three introductory local laws on Tuesday, May 14 at 6:45pm. Councilmember Newton seconded that motion.

Roll Call Vote:

Councilmember Rasmussen -	Aye
Councilmember Smith -	Aye
Supervisor Teal -	Aye
Councilmember Newton -	Aye
Councilmember Baumli -	Aye

Bruce Shenker asked if most Town Supervisors are 2 years or 4 years in Columbia County. Supervisor Teal stated that most in the County are 4 years but there are still some 2 year. She stated that Town Clerk she believes is the only one in all of Columbia and Greene County that is 2 years. Tax Collector she doesn't know. Town Clerk Houghtling stated that most towns have their Town Clerk as their Tax Collector so that is also typically 4 years. Supervisor Teal stated that she doesn't know about Highway Superintendent. Highway Superintendent Winestock stated that he believes most are 4 years. Supervisor Teal stated that there are not many 2 year terms left.

Councilmember Smith stated that 4 years makes more sense because after 2 years you are just getting into it and right after the first year you get the hang of it and you have good ideas going and then if you get voted out you don't get to implement your ideas. Supervisor Teal stated that usually the position that is the most controversial is Town Supervisor. In 20 years that she has been with the Town we have only had one Supervisor that was a one term for 2 years and that was by his choice to not seek re-election, everyone else had at least 2 terms or 4 years. Councilmember Baumli stated that the first year the Supervisor gets elected they are working off the prior Supervisor's budget because that budget is set in October so that new Supervisor comes on board in January and that first year's budget is not truly their budget. That is why he thinks that the Town Supervisor needs to definitely be a 4 year term.

US Flags:

Town Clerk Houghtling stated that the current flags, thank you to Councilmember Smith and Baumli, have been taken down and she would like to clean them before they go back up. Deputy Town Clerk Robertson found a cleaner in East Greenbush that will dry clean them for free but they cannot guarantee they won't fray if there is any wear on them. The other option is to hand clean them with warm water and hang dry them which Supervisor Teal is willing to do. The cleaners suggestion is to test the dry cleaning on the flag in the worst condition and see if it holds up. Councilmember Smith asked if there are any in rough shape. Town Clerk Houghtling stated that there are none in rough shape but there are a few that

have the tiniest bit of wear. Councilmember Smith asked how many flags there are left. Town Clerk Houghtling stated that there are 11. The Town Board agreed that we should dry clean them.

Supervisor Teal stated that we have \$500 set aside for flags for 2019. She knows that J.J. Smith wanted to put them up in the main corridor but she would also like to see some down Route 22 to the Town Hall for the memorial day parade.

Supervisor Teal made a motion authorizing Councilmember Smith to spend up to \$500 on new flags and poles. Councilmember Newton seconded that motion.

Roll Call Vote:

Councilmember Rasmussen -	Aye
Councilmember Smith -	Aye
Supervisor Teal -	Aye
Councilmember Newton -	Aye
Councilmember Baumli -	Aye

Town Clerk Houghtling reminded J.J. Smith to get her the list of which poles she wants the flags on. She needs at least a month to get the required permits from NYSEG so if we want them up for memorial day she needs to start that process ASAP. She cannot start the permit process without the pole numbers.

NL 200 Banners:

Town Clerk Houghtling stated that we have 14 banners from the NL 200 celebration that are in good condition. Ted Salem from the NL 200 committee prepared a list of sponsors to the NL 200 and there are 11 organizations who were either sponsors that took out an ad in the program and the passport or gave a larger donation plus the Town, the Lebanon Valley Historical Society and Grow the Valley for a total of 14 organizations. There are 5 more donors who gave less than that.

Supervisor Teal made a motion to offer the NL 200 banners to the first 11 donors who took an ad out in the program and the passport or gave a larger donation plus the Town, the Lebanon Valley Historical Society and Grow the Valley and then, if some donors do not want a banner, to move to the next 5 donors in alphabetical order from A to Z. Councilmember Baumli seconded that motion.

Roll Call Vote:

Councilmember Rasmussen -	Aye
Councilmember Smith -	Aye
Supervisor Teal -	Aye
Councilmember Newton -	Aye
Councilmember Baumli -	Aye

County MIS Quote – price increase for G Suite Business User Licenses:

Supervisor Teal stated that in the County MIS quote approved by the Town Board at the last meeting the price approved for the G Suite Business User Licenses was \$2,074. There has

been a price increase to a total of \$2,448. She is looking for a new approval on the updated amount.

Supervisor Teal made a motion to accept the modified quote from County MIS for the G Suite Business User Licenses in the amount of \$2,448 and to authorize Supervisor Teal to do an interim voucher if necessary. Councilmember Smith seconded that motion.

Roll Call Vote:

Councilmember Rasmussen -	Aye
Councilmember Smith -	Aye
Supervisor Teal -	Aye
Councilmember Newton -	Aye
Councilmember Baumli -	Aye

Newsletter:

Supervisor Teal stated that we are coming up on the May newsletter and we still have not worked out the details on how we are going to address more of that community view. Right now we are just doing State, County and Town business. She is inclined to go back to including anything that is funded by New Lebanon property taxes. That would include the Library, the New Lebanon Central School District, the LVPA, the Cemetery of the Evergreens.

Supervisor Teal made a motion to include anything that is funded by New Lebanon Property Taxes in the Town's quarterly newsletter.

Councilmember Smith stated that we stopped doing that because it is illegal so he wouldn't be in favor unless we know for a fact that it is not illegal. Councilmember Newton stated that the Town Attorney gave us a rather sizeable list of what was allowable and what wasn't. Councilmember Baumli stated that there are other towns in Columbia County that do it and as a small community we need to make people aware of what is going on in our community and our newsletter is a great avenue to do that and since there are many other towns that are doing the exact same thing and the State or whomever has this law saying we aren't supposed to be doing this is obviously not enforcing this law. Until they come back and tell us we can't do this because it was just our Attorney's advise saying he believes that this could impact us. We could find another lawyer that tells us something totally different. Supervisor Teal stated that those things that are funded through our budget were in a different pool than some of the other community stuff we were doing. They were not as black and white as not allowed that is why she would like to go back to just including these for now.

Councilmember Rasmussen stated it was Attorney Tuczinski who gave us this opinion and he thought he was working with Supervisor Teal to say what we can do. Supervisor Teal stated that we are trying to find a way to fund tourism and possibly have another entity put out the newsletter for us or another funding mechanism that brings us to a legal way to do it. Councilmember Rasmussen asked when he gave us his opinion what he said was legal to do. Supervisor Teal stated we don't have that answer yet which is why she wants to go back to at least... Councilmember Rasmussen stated that we stopped doing what we were doing so evidently he told us that something was legal and something else wasn't legal. Supervisor

Teal stated that he was pretty confident that including all the community stuff was not okay. There is a law that clearly states that what we are allowed to do is give reports to the community about the activities of the town departments. There is no law that addresses the newsletter. There are opinions from OSC and that comes down to this funding thing where it is a little greyer. Councilmember Rasmussen stated that the last advice we have from counsel is that it is just the Town. Supervisor Teal answered yes. Councilmember Rasmussen stated that if you pay counsel then you don't follow his advice, you are really sticking your neck out there. He agrees with Councilmember Baumli that we need to do a newsletter as large as we can but we just need to move the Town Attorney along faster and ask him to tell us what we can do, make it as expansive as you feel comfortable doing and then we have counsel saying it is okay and then we can go do it.

Supervisor Teal stated that she will check with the current Town Attorney and get a second opinion and bring it to the meeting next Tuesday. Councilmember Newton suggested reaching out to the Association of Towns for their opinion too. Supervisor Teal stated that she will reach out to our Town Attorney as well as Lori Mithen from the Association of Towns and get an answer in writing from her and share it with the board next Tuesday.

Updates:

- **Enhanced License Forum:** Town Clerk Houghtling stated that Holly Tanner will be coming out to the New Lebanon Town Hall on 5/18/19 to do an informational session for our residents on the enhanced licenses and what is necessary to obtain one along with the timeframe that people must have them by. Highway Superintendent Winestock stated that town clean up day is on 5/18 and parking will be an issue. It was decided to postpone the enhanced license forum with a new date TBD.
- **History Hallway at Town Hall:** Supervisor Teal stated that our history hallway at the Town Hall is done. The hallway leading down to the Building Department now has a timeline of the Town's history which was donated to the Town by the Heritage Center. The timeline was hand made by Gregg Carroll. For the May meeting Supervisor Teal will present Gregg Carroll with a certificate of appreciation for the timeline. Chris Dreyfus asked if the lighting could be increased in the hallway so you can see the timeline better. Councilmember Smith stated that he will work on installing better lighting.
- **International Truck Salvage:** Supervisor Teal stated that we are in the process of putting the international truck that was totaled out to bid.
- **PESH – Fuel Tank Installation:** Supervisor Teal stated that the tank is installed and completed.
- **Route 22:** Supervisor Teal stated that she met with DOT last week and they agree that it needs to be paved. It is 7 ½ miles. They have come up with \$500,000. There are two or three sections that are a little over a mile each section up by Berkshire Farm, the worst sections, they are going out to bid on them now. They are going to mill up what is there and put down 3 inches. The funding that Region 8 has for maintenance is not going to cover an \$8.3 to \$10 million paving project. Now they all agree it needs to be done and they are working together to find that funding.

- **AIM Funding - NYS:** Supervisor Teal stated that we have lost the State AIM funding. The push from the State is to have the County make that up in what is anticipated to be increased revenues from online sales tax. Where that will fall out we are not really sure.
- **Assemblyman Ashby Town Hall:** Town Clerk Houghtling stated that Assemblyman Jake Ashby will be at the New Lebanon Town Hall on Wednesday, April 17th from 4-6pm for a town hall event. It is open to everyone.
- **Advertised Vacancies:** Supervisor Teal stated that the court and building department have done some interviews. The assessor's clerk is on hold for now. For the comprehensive plan review steering committee members we did not get any interest. We will include something in the newsletter.

Justice Byrne stated that the court completed their interviews on Saturday so that the court could make their presentation for an appointment for court clerk tonight. It is her understanding that the Town Board wants to look at all the resumes that came in and she has a concern with that. She has hired multiple clerks in the 10 years she has been here and she has never been asked for the resumes before. She has never been asked to provide them and she is uncomfortable with it. The resumes were sent to the Town Clerk's office directly so she thinks the Town Board could ask the Town Clerk for them but her concern with that is does that open a ball of wax because the court is an insulated department so it is their determination exclusively who they would like to hire. Supervisor Teal stated that it is not exclusive. The Town Board cannot select someone for the court but if the court brings someone and there are valid concerns, they can say no, go back and find someone else that we can all agree on. Justice Byrne asked if they would then like to see the resume of the person they are recommending. Her concern is that there are issues of conflicts. They got 3 resumes, all 3 resumes were completely appropriate and they had their own internal reasons for saying yes or no so would the Town Board like to only see the resume of the person they chose or would they like to see all of the resumes. Supervisor Teal stated that she would like the Town Clerk to send all of the resumes to the Town Board and her plan would be that we can do it next Tuesday night and if the Justices would like to meet with the Town Board, they can go into executive session to discuss it. Justice Byrne stated that they will also need to move some money around to pay for someone to come in and train.

Councilmember Smith stated that the court got three resumes but is only interested in hiring one of the applicants so the Town Board wouldn't see the other two resumes. Supervisor Teal stated that they interviewed all three applicants. Councilmember Smith stated that if the court is not interested in two of the applicants then the Town Board shouldn't see the resumes of those two. Supervisor Teal stated that is up to the Town Board. Justice Byrne stated that the court feels that they have one viable candidate. Councilmember Baumli would like to see all of them because if he sees a resume that is stronger than the person the court chose then he is able to ask the court why they chose the one candidate over the other with the stronger resume and the court would be able to explain their decision. The Town Board requested that the Town Clerk send them all 3 resumes received for the court clerk position and all 4 resumes received for the building

department.

NEW BUSINESS:

Town Seal – Edited Version:

Supervisor Teal stated that the Town Board had approved the inclusion of the 1772 established date into the town seal but had never formally adopted the new seal. Town Clerk Houghtling stated that in the past the Town Board discussed adding the 1772 established date as well as having writing added into the book. There are two versions, one with the writing in the book and one without, for the Town Board to look at and decide which version to formally adopt.

Councilmember Smith made a motion to adopt the amended town seal with writing in the book and the 1772 established date and attach the color and black and white version as adopted into the minutes as attachment C. Supervisor Teal seconded that motion.

Roll Call Vote:

Councilmember Rasmussen -	Aye
Councilmember Smith -	Aye
Supervisor Teal -	Aye
Councilmember Newton -	Nay
Councilmember Baumli -	Aye

****SEE ATTACHMENT C FOR ADOPTED LOGO IN COLOR AND BLACK & WHITE****

Facebook Page:

Supervisor Teal stated that we received a request from a resident to consider starting a town Facebook page. This is something that we have looked at and talked about before. She talked to Attorney Tingley briefly about it and he is of the same mind that she is, it's not a good idea. She knows that Chatham had one for a while then took it down. Any of the towns that do have it, it is for outgoing information only. The Attorney's hesitation with that is that becomes another source of us sending out information, if we miss something on that where does that put us. Councilmember Newton stated that they find it useful from a business perspective but he doesn't think it is a good idea from a town perspective. Councilmember Baumli stated that he doesn't think it is a good idea. Councilmember Smith stated that he doesn't think it is a good idea.

Recreation Commission Resignation:

Supervisor Teal stated that we have received a letter of resignation from Amy Fiebke for her position on the Recreation Commission, which leaves two vacancies now.

Supervisor Teal made a motion to accept Amy Fiebke's resignation from the Recreation Commission. Councilmember Smith seconded that motion.

Roll Call Vote:

Councilmember Rasmussen -	Aye
Councilmember Smith -	Aye
Supervisor Teal -	Aye

Councilmember Newton - Aye
Councilmember Baumli - Aye

Supervisor Teal made a motion to advertise for both vacancies on the Recreation Commission with letters of interest due by 4pm on May 10, 2019. Councilmember Newton seconded that motion.

Roll Call Vote:

Councilmember Rasmussen - Aye
Councilmember Smith - Aye
Supervisor Teal - Aye
Councilmember Newton - Aye
Councilmember Baumli - Aye

Court Officer (Constable) vs. Deputy Sheriff for Town Court:

Supervisor Teal stated that this has come up several times with various boards so she reached out the County Sheriff's Office to get details. The contracts that they have with the other towns is a 3 hour minimum. There are 2 DA nights per month and it would be \$56.29 per hour. It would be \$4,052.88 annually. The contracts call for overtime pay if the schedule requires it but the Sheriff's Office noted that rarely, if ever, happens. We currently have Wes Powell for 2 court nights per month, 6 hours per month at \$25.00 per hour. Our total annual cost is \$1,800. Her recommendation is to stay with our own court officer. Councilmember Smith stated if it is not broke, don't fix it. Councilmember Baumli and Councilmember Newton agreed.

LVPA – New Members:

Supervisor Teal stated that we received notice from the LVPA. They have 2 new members. Councilmember Smith stated that he thinks it is great that the LVPA is getting their membership up.

Civil Service Changes:

Supervisor Teal stated that this has just been an expansion to include laborers. She was unaware that once a part time employee has been on the job for 5 years they are part of civil service and covered. Historically boards have advertised for all the appointed positions. Anyone who has been in that role for 5 years we cannot do that. There has to be valid grounds for their removal and it has to go through a hearing and all of that. Councilmember Smith asked Supervisor Teal to email what valid grounds would be. Supervisor Teal stated that it would be anything that you would normally terminate for.

Town Hall Bathroom Signage:

Supervisor Teal stated that it was brought to her attention that the lady's room has a changing table and the men's room does not have a changing station which is not a good situation. We can either add a changing station to the men's room or re-label the bathrooms both as restroom for any gender.

Supervisor Teal made a motion to change the signage on the bathrooms to label both as a restroom for all and to authorize the Town Clerk to order the new signage. Councilmember

Smith seconded that motion.

Roll Call Vote:

Councilmember Rasmussen -	Aye
Councilmember Smith -	Aye
Supervisor Teal -	Aye
Councilmember Newton -	Aye
Councilmember Baumli -	Aye

COMMITTEE/LIAISON REPORTS:

Assessor (Councilmember Rasmussen):

No report.

Building Department (Councilmember Baumli):

No report.

CAC & Environmental Management (Councilmember Rasmussen & Bruce Shenker):

No report.

Fire, Law Enforcement & Emergency (Councilmembers Smith & Baumli):

Ed Godfroy stated that you will see in the monthly report of the LVPA that they got that grant for the air packs and they didn't have to spend out of their own money for those.

Highway (Superintendent Winestock & Councilmembers Smith & Newton):

Highway Superintendent Winestock stated that it looks like we are going to get our CHIPS money and our PAVE NY money but they didn't give us the EXTREME WINTER money when we really needed it. He stated that no towns got it and it wasn't in the budget. Supervisor Teal stated that this was one of the worst winters for our roads. Highway Superintendent Winestock stated that we got grant money for an EV charging station but without good roads you won't have anywhere to drive the electric vehicle. He stated that more money needs to be put into our roads and bridges and that a lot of these other things can be put on hold.

Historian & LVHS: (Councilmembers Baumli & Rasmussen):

No report.

Justice Court/Constable (Councilmember Newton):

No report.

Parks & Recreation (Councilmembers Smith & Newton):

No report.

Seniors (Councilmember Baumli & Judy Zimmer):

Councilmember Baumli stated that he met with Judy and David last week and he will be meeting with Town Clerk Houghtling later this week to put something together for the newsletter about some of the programs available for seniors that that can take advantage

of. They are finding that a lot of our seniors aren't taking advantage of programs that are out there and available to them.

Town Assets, Buildings & Property (Councilmembers Smith & Newton):

No report.

ANNOUNCEMENTS:

APRIL:

Tuesday, April 16th ~ Special Town Board Meeting – Pavilion Bathroom Bids @ Town Hall @ 5:30 pm

Wednesday, April 17th ~ Assemblyman Jake Ashby Town Hall Event @ Town Hall from 4:00 to 6:00 pm

MAY:

Tuesday, May 14th ~ Public Hearings on proposed Local Laws #2, 3 and 4 of 2019 @ Town Hall @ 6:45 pm

Tuesday, May 14th ~ Regular Town Board Meeting @ Town Hall @ 7:00 pm

Saturday, May 18th ~ Town Clean-up Day @ Town Hall from 8:00 am to 2:00 pm

AUDIT OF BILLS:

General No. 96 in the amount of \$205.63;

As listed on Abstract No. 3A, dated April 9, 2019; and

General Nos. 97 through 131, in the amount of \$24,970.97; and

Highway Nos. 37 through 45, in the amount of \$34,418.48;

As listed on Abstract No. 4 dated April 9, 2019.

A motion was made by Supervisor Teal and seconded by Councilmember Baumli to pay the above noted claims from their respective accounts.

Roll Call Vote:

Councilmember Rasmussen -	Aye
Councilmember Smith -	Aye
Supervisor Teal -	Aye
Councilmember Newton -	Aye
Councilmember Baumli -	Aye

ADJOURNMENT:

A motion was made by Councilmember Smith and seconded by Councilmember Rasmussen to adjourn the meeting at 8:55 pm.

Respectfully submitted,

Tistrya Houghtling
New Lebanon Town Clerk

ATTACHMENT A

Town of New Lebanon Approved Travel Policy

General Policy

- A. No travel expenses of any kind shall be reimbursed without prior approval of the Town Board. The department head shall submit the request to the Town Board and shall include in the request whether the training is required or recommended. The Board may give blanket prior approval for travel expenses, such as mileage and meals, incurred in the performance of duties by employees normally required to travel, such as inspectors or enforcement officers.

- B. No travel which includes overnight stays shall be committed to without prior approval of the appropriate department head. Timely submission shall be made to the Town Clerk for such approval to be transmitted to the Town Board member responsible for liaison with that department; in the event of an emergency requirement, the Board member may approve by telephone or e-mail.

- C. A copy of the itemized hotel/motel bill must be submitted along with either a paid receipt or a credit card charge form.

- D. Employees will not be reimbursed for travel time to and from seminars or in-service training. Employees paid on an hourly basis will be paid for the hours that they attend seminars or in-service training (not to exceed eight hours per day). Salaried employees that attend seminars or in-service training on weekends may take compensation time equivalent to the hours in seminars or in-service training (not to exceed eight hours per day) with the approval of their supervisor.

Education or In-Service Training Events

For travel to job-related educational events (such as seminars or in-service training), the Board may approve a travel advance only in those cases where the sponsoring organization provides the written evidence of certification or completion which can be presented to the Board upon the employee's return. (In cases where such evidence is delayed, the Board will rely upon the employee's written assurance that the documentation is forthcoming.) Employees are expected to attend all seminars, classes or meetings included in the event agenda appropriate to their duties and responsibilities and to submit an annotated copy of the event agenda with those attendances noted thereon.

Other Overnight Travel

In any other travel requiring overnight stays, and approved by the Board, the employee will lay out the necessary expenditures and submit an expense report, in a form to be determined by the Town Clerk, to the Clerk upon completion of the trip, for reimbursement. The employee will attach a brief statement summarizing:

- A. Reason for the travel.
- B. Meetings attended and list of participants with organizational affiliations.
- C. Accomplishments of the trip.
- D. Any follow-up activities engendered by the trip.

Reimbursement Limitations

No reimbursement shall be made for:

- A. The purchase or consumption of alcoholic beverages.
- B. Personal purchases (including, but not limited to, medicines, personal care items, gifts, movies or entertainment, exercise or other recreational activities, etc.).
- C. Expenses incurred by a person other than the employee.
- D. Upgrades in seating or other accommodations.
- E. Meals in excess of \$55 per day, using the guideline of \$15 each for breakfast and lunch and \$25 for dinner. Employees are expected to participate in meals which are included in program fees without further reimbursement.
- F. Automobile rentals, except if approved in advance. Employees should use their own vehicles in most cases. When necessary, airport or hotel shuttles should be utilized in preference to taxis.

Violations

- A. Employees who violate these rules are required to reimburse the Town for any advances received, or expenses reimbursed (or portions thereof found to be inappropriate) upon written notice from the Town Clerk of such violation.

- B. Employees found to have knowingly, or fraudulently, supplied inaccurate travel documentation to the Town for which they received reimbursement may be subject to discipline, including, but not limited to, fines, loss of pay, and/or dismissal. The Town may, at its discretion, refer such employees to the judicial system.

Town of New Lebanon Data Breach Notification Policy

General Policy

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

Town of New Lebanon Investment Policy

Scope

This investment policy applies to all moneys and other financial resources available for deposit and investment by the Town of New Lebanon on its own behalf or on behalf of any other entity or individual.

Objectives

The primary objectives of the local government's investment activities are, in priority order:

- A. To conform with all applicable federal, state and other legal requirements (legality).
- B. To adequately safeguard principal (safety).
- C. To provide sufficient liquidity to meet all operating requirements (liquidity).
- D. To obtain a reasonable rate of return (yield).

Delegation of Authority

The governing board's responsibility for administration of the investment program is delegated to the Town Supervisor who shall establish written procedures for the operation of the investment program consistent with these investment policies. Such procedures shall include internal controls to provide a satisfactory level of accountability based upon records incorporating the description and amounts of investments, the fund(s) for which they are held, the place(s) where kept, and other relevant information, including dates of sale or other dispositions and amounts realized. In addition, the internal control procedures shall describe the responsibilities and levels of authority for key individuals involved in the investment program.

Prudence

- A. All participants in the investment process shall seek to act responsibly as custodians of the public trust and shall avoid any transaction that might impair public confidence in the Town of New Lebanon to govern effectively.
- B. Investments shall be made with prudence, diligence, skill, judgment, and care, under circumstances then prevailing, which knowledgeable and prudent persons acting in like capacity would use, not for speculation, but for investment, considering the safety of the principal as well as the probable income to be derived.
- C. All participants involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions.

Diversification

It is the policy of the Town of New Lebanon to diversify its deposits and investments by financial institution, by investment instrument, and by maturity scheduling. The governing board shall establish appropriate limits for the amount of investments which can be made with each financial institution or dealer, and shall evaluate this listing at least annually.

Internal Controls

- A. It is the policy of the Town of New Lebanon for all moneys collected by any officer or employee of the government to transfer those funds to the Supervisor within the time period specified by law.
- B. The Town Supervisor is responsible for establishing and maintaining internal control procedures to provide reasonable, but not absolute, assurance that deposits and investments are safeguarded against loss from unauthorized use or disposition, that transactions are executed in accordance with management's authorization, properly recorded, and managed in compliance with applicable laws and regulations.

Designation of Depositaries

The banks and trust companies that are authorized for the deposit of moneys, and the maximum amount which may be kept on deposit at any

time for each of the Town Officers, will be established annually by resolution adopted by the Town Board at its organizational meeting. A resolution adopted pursuant to this paragraph shall be maintained in the office of the Town Clerk and shall remain in effect until amended, repealed, or the next succeeding resolution pursuant to this section is adopted.

Securing Deposits and Investments

All deposits and investments at a bank or trust company, including all demand deposits, certificates of deposit and special time deposits (hereinafter, collectively, "deposits") made by officers of the Town of New Lebanon that are in excess of the amount insured under the provisions of the Federal Deposit Insurance Act shall be secured by at least one of the following:

- A. A pledge of eligible securities with an aggregate market value (as provided by GML § 10) that is at least equal to the aggregate amount of deposits by the officers. See Appendix A of this policy for a listing of eligible securities.
- B. A pledge of a pro rata portion of a pool of eligible securities, having in the aggregate a market value at least equal to the aggregate amount of deposits from all such officers within the state at the bank or trust company.
- C. An eligible surety bond payable to the government for an amount at least equal to 100% of the aggregate amount of deposits and the agreed-upon interest, if any, executed by an insurance company authorized to do business in New York State, whose claims-paying ability is rated in the highest rating category by at least two nationally recognized statistical rating organizations. The governing board shall approve the terms and conditions of the surety bond.
- D. An eligible letter of credit, payable to the Town of New Lebanon as security for the payment of 140% of the aggregate amount of deposits and the agreed-upon interest, if any. An eligible letter of credit shall be an irrevocable letter of credit issued in favor of the Town of New Lebanon, for a term not to exceed 90 days, by a qualified bank (other than the bank where the secured money is deposited). A qualified bank is either one whose commercial paper and other unsecured short-term debt obligations (or, in the case of a bank which is the principal subsidiary of a holding company, whose holding company's commercial paper and other unsecured short-term debt obligations)

are rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization, or one that is in compliance with applicable federal minimum risk-based capital requirements.

- E. An irrevocable letter of credit issued in favor of the Town of New Lebanon by a federal home loan bank whose commercial paper and other unsecured short-term debt obligations are rated in the highest rating category by at least one nationally recognized statistical rating organization, as security for the payment of 100% of the aggregate amount of deposits and the agreed-upon interest, if any.

Collateralization and Safekeeping

- A. Eligible securities used for collateralizing deposits made by officers of the Town of New Lebanon shall be held by (the depository or a third party) bank or trust company subject to security and custodial agreements.
- B. The security agreement shall provide that eligible securities (or the pro rata portion of a pool of eligible securities) are being pledged to secure such deposits together with agreed-upon interest, if any, and any costs or expenses arising out of the collection of such deposits upon a default. It shall also provide the conditions under which the securities (or pro rata portion of a pool of eligible securities) may be sold, presented for payment, substituted or released and the events which will enable the local government to exercise its rights against the pledged securities.
- C. In the event that the pledged securities are not registered or inscribed in the name of the Town of New Lebanon, such securities shall be delivered in a form suitable for transfer or with an assignment in blank to the Town of New Lebanon or the custodial bank or trust company. Whenever eligible securities delivered to the custodial bank or trust company are transferred by entries on the books of a federal reserve bank or other book-entry system operated by a federally regulated entity without physical delivery of the evidence of the obligations, then the records of the custodial bank or trust company shall be required to show, at all times, the interest of the government in the securities (or the pro rata portion of a pool of eligible securities) as set forth in the security agreement.
- D. The custodial agreement shall provide that pledged securities (or the pro rata portion of a pool of eligible securities) will be held by the bank or trust company as agent of, and custodian for, the Town of New Lebanon,

will be kept separate and apart from the general assets of the custodial bank or trust company and will not be commingled with or become part of the backing of any other deposit or other bank liability. The agreement shall also describe how the custodian shall confirm the receipt, substitution, or release of the collateral and it shall provide for the frequency of revaluation of collateral by the custodial bank or trust company and for the substitution of collateral when a change in the rating of a security causes ineligibility. The security and custodial agreements shall also include all other provisions necessary to provide the Town of New Lebanon with a perfected security interest in the eligible securities and to otherwise secure the local government's interest in the collateral, and may contain other provisions that the governing board deems necessary.

Permitted Investments

- A. As provided by General Municipal Law § 11, the Town of New Lebanon authorizes the Town Supervisor to invest moneys not required for immediate expenditure for terms not to exceed its projected cash flow needs in the following types of investments:
- (1) Special time deposit accounts in, or certificates of deposit issued by, a bank or trust company located and authorized to do business in the State of New York.
 - (2) Obligations of the United States of America.
 - (3) Obligations guaranteed by agencies of the United States of America, where the payment of principal and interest are guaranteed by the United States of America.
 - (4) Obligations of the State of New York.
 - (5) With the approval of the State Comptroller, obligations issued pursuant to Local Finance Law § 24.00 or 25.00 (i.e., Tax anticipation notes and Revenue anticipation notes) by any municipality, school district or district corporation in the State of New York other than the Town of New Lebanon.
 - (6) Obligations of the Town of New Lebanon, but only with moneys in a reserve fund established pursuant to General Municipal Law § 6-c, 6-d, 6-e, 6-f, 6-g, 6-h, 6-j, 6-k, 6-l, 6-m, or 6-n.

- B. All investment obligations shall be payable or redeemable at the option of the Town of New Lebanon within such times as the proceeds will be needed to meet expenditures for purposes for which the moneys were provided and, in the case of obligations purchased with the proceeds of bonds or notes, shall be payable or redeemable in any event at the option of the Town of New Lebanon within two years of the date of purchase. Time deposit accounts and certificates of deposit shall be payable within such times as the proceeds will be needed to meet expenditures for which the moneys were obtained, and shall be secured as provided in §§ 23-8 and 23-9 herein.
- C. Except as may otherwise be provided in a contract with bondholders or noteholders, any moneys of the Town of New Lebanon authorized to be invested may be commingled for investment purposes, provided that any investment of commingled moneys shall be payable or redeemable at the option of the Town of New Lebanon within such time as the proceeds shall be needed to meet expenditures for which such moneys were obtained, or as otherwise specifically provided in General Municipal Law § 11. The separate identity of the sources of these funds shall be maintained at all times and income received shall be credited on a pro rata basis to the fund or account from which the moneys were invested.
- D. Any obligation that provides for the adjustment of its interest rate on set dates is deemed to be payable or redeemable on the date on which the principal amount can be recovered through demand by the holder.

Authorized Financial Institutions and Dealers

- A. All financial institutions and dealers with which the Town of New Lebanon transacts business shall be creditworthy and have an appropriate level of experience, capitalization, size, and other factors that make the financial institution or the dealer capable and qualified to transact business with the Town of New Lebanon. The Town Supervisor shall evaluate the financial position and maintain a listing of proposed depositories, trading partners, and custodians. Recent reports of condition and income (call reports) shall be obtained for proposed banks, and security dealers that are not affiliated with a bank shall be required to be classified as reporting dealers affiliated with the New York Federal Reserve Bank, as primary dealers.
- B. The Town of New Lebanon shall maintain a list of financial institutions and dealers approved for investment purposes, and establish

appropriate limits to the amounts of investments that can be made with each financial institution or dealer.

Purchase of Investments

- A. The Town Supervisor is authorized to contract for the purchase of investments:
 - (1) Directly, from an authorized trading partner.
 - (2) By participation in a cooperative investment agreement with other authorized municipal corporations pursuant to Article 5-G of the General Municipal Law and in accordance with Article 3-A of the General Municipal Law.

- B. All purchased obligations, unless registered or inscribed in the name of the local government, shall be purchased through, delivered to and held in the custody of a bank or trust company. Such obligations shall be purchased, sold, or presented for redemption or payment by such bank or trust company only in accordance with prior written authorization from the officer authorized to make the investment. All such transactions shall be confirmed in writing to the Town of New Lebanon by the bank or trust company.

- C. Any obligation held in the custody of a bank or trust company shall be held pursuant to a written custodial agreement as described in General Municipal Law § 10(3)(a). The agreement shall provide that securities held by the bank or trust company, as agent of, and custodian for, the Town of New Lebanon, will be kept separate and apart from the general assets of the custodial bank or trust company and will not be commingled with or become part of the backing of any other deposit or other bank liability. The agreement shall also describe how the custodian shall confirm the receipt and release of the securities. Such agreement shall include all provisions necessary to secure the local government's perfected interest in the securities, and the agreement may also contain other provisions that the governing board deems necessary. The security and custodial agreements shall also include all other provisions necessary to provide the Town of New Lebanon with a perfected interest in the securities.

- D. The Town Supervisor can direct the bank or trust company to register and hold the evidences of investments in the name of its nominee, or may deposit or authorize the bank or trust company to deposit, or

arrange for their deposit with a federal reserve bank or other book- entry transfer system operated by a federally regulated entity. The records of the bank or trust company shall show, at all times, the ownership of such evidences of investments, and they shall be, when held in the possession of the bank or trust company, at all times, kept separate from the assets of the bank or trust company. All evidences of investments delivered to a bank or trust company shall be held by the bank or trust company pursuant to a written custodial agreement as set forth in General Municipal Law § 10(3)(a), and as described earlier in this section. When any such evidences of investments are so registered in the name of a nominee, the bank or trust company shall be absolutely liable for any loss occasioned by the acts of such nominee with respect to such evidences of investments.

Annual Review and Amendments

The Town of New Lebanon shall review this investment policy annually, and it shall have the power to amend this policy at any time.

Definitions

The terms “public funds,” “public deposits,” “bank,” “trust company,” “eligible securities,” “eligible surety bond,” and “eligible letter of credit” shall have the same meanings as set forth in General Municipal Law § 10.

Town of New Lebanon

Investment Policy Appendix A

Schedule of Eligible Securities for Collateralizing Deposits
and Investments in Excess of FDIC Coverage

Eligible Securities for Collateral	For purposes of determining aggregate market value, eligible securities shall be valued at these percentages of market value
(i) Obligations issued, or fully insured or guaranteed as to the payment of principal and interest, by the United States of America, an agency thereof or a United States government-sponsored corporation	100%
(ii) Obligations issued or fully guaranteed by the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank, and the African Development Bank	100%
(iii) Obligations partially insured or guaranteed by any agency of the United States of America, at a proportion of the market value of the obligation that represents the amount of the insurance or guaranty	100%
(iv) Obligations issued or fully insured or guaranteed by the State of New York, obligations issued by a municipal corporation, school district or district corporation of this state or obligations of any public benefit corporation which under a specific state statute may be accepted as security for deposit of public moneys	100%
(v) Obligations issued by states (other than the State of New York) of the United States rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization	100% if rated in the highest category; 90% for 2nd highest; 80% for 3rd highest.
(vi) Obligations of the Commonwealth of Puerto Rico rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization	100% if rated in the highest category; 90% for 2nd highest; 80% for 3rd highest.

Eligible Securities for Collateral	For purposes of determining aggregate market value, eligible securities shall be valued at these percentages of market value
(vii) Obligations of counties, cities and other governmental entities of another state having the power to levy taxes that are backed by the full faith and credit of such governmental entity and rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization	100% if rated in the highest category; 90% for 2nd highest; 80% for 3rd highest.
(viii) Obligations of domestic corporations rated in one of the two highest rating categories by at least one nationally recognized statistical rating organization	80%
(ix) Any mortgage-related securities, as defined in the Securities Exchange Act of 1934, as amended, which may be purchased by banks under the limitations established by federal bank regulatory agencies	70%
(x) Commercial paper and bankers' acceptances issued by a bank (other than the bank with which the money is being deposited or invested) rated in the highest short-term category by at least one nationally recognized statistical rating organization and having maturities of not longer than 60 days from the date they are pledged	80%
(xi) Zero-coupon obligations of the United States government marketed as "Treasury Strips"	80%

Town of New Lebanon Key Policy

Signing of Form Required

- A. Each Town official and employee will sign a form acknowledging the receipt of any and all Town keys assigned to him or her.
- B. This form will indicate the key issued, the date issued and serial number, if any.

Failure to Return Keys

Any Town official or employee who fails to return Town keys within 15 days of his or her last day of service will be billed the expense of replacement key(s) and rekeying of lock(s).

Town Clerk's Responsibilities

The Town Clerk is hereby designated as the “keeper of the keys.” In this capacity, he or she will:

- A. Sign out and collect keys.
- B. Maintain a written and/or electronic log of key assignments.
- C. Communicate to the Supervisor any reports of lost or stolen keys.

Town of New Lebanon Personnel Policies

Purpose; Applicability

This description of employee benefits is presented to all Town and highway employees of the Town of New Lebanon (the “Town”) for informational purposes only. This description is not intended to be comprehensive or to address all the possible applications of, or exceptions to, the Town’s general policies and procedures governing employee benefits. The Town reserves the right to modify, revoke, suspend, or discontinue any of the procedures, practices, policies, and benefits described herein. Moreover, the language used in this description of employee benefits does not confer any contractual right, either expressed or implied, to remain in the Town’s employ or guarantee any fixed terms and conditions of employment. Employment with the Town is on a voluntary at-will basis and is not for a specific time, and either the employee or the Town may at any time terminate the employment relationship with or without cause. Finally, some of the benefits described herein are covered in more detail in Town policies and procedures or written insurance policies and/or plan documents. This description of employee benefits is only designed as a brief guide and summary of policies and benefits.

Equal Employment Opportunity Policy

The Town is committed to equal employment opportunities for all. Employment and promotion are based upon personal capabilities and qualifications without regard to race, color, religion, sex, age, national origin, disability, sexual orientation, genetic predisposition or carrier status, marital status or any other protected characteristic as established by law. This equal opportunity policy applies to all terms and conditions of employment.

Americans With Disabilities Policy Statement

The Town is committed to complying with all applicable provisions of the Americans with Disabilities Act (“ADA”). It is the Town’s policy not to discriminate against any qualified employee or applicant with regard to any terms and conditions of employment because of such individual’s disability or perceived disability so long as the individual can perform the essential functions of the job. The Town will provide reasonable accommodations to a qualified individual with a disability, as defined by the ADA. who has

made the Town aware of his or her disability, provided the accommodation-floes not constitute an undue hardship to the Town.

Civil Service; Part-Time Employment

Pursuant to the Columbia County Civil Service Commission's Rules, positions within the Town are classified as exempt, noncompetitive, competitive, labor, or unclassified. For purposes of applying civil service rules only, part-time employment is considered employment where an individual works less than 20 hours per week.

Work Schedule

The standard workweek for the Town is 40 hours per week (not including lunch breaks). Employees will be informed of their work schedule at the time of hire. Every effort will be made to maintain this schedule. However, it is sometimes necessary to adjust schedules to cover vacation periods, weather conditions and/or unscheduled absences.

Description of Employment

The Town will classify employees as full-time, part-time eligible (20-34 hrs/wk), part-time ineligible (less than 20 hrs/wk), or temporary employees.

- A. Full-time: Employees who are not assigned temporary employment and who are regularly scheduled to work a minimum of 35 hours per week or more on an indefinite, continuing basis. Employees who hold multiple positions within the Town and work a total of more than 35 hours per week among the multiple positions will be considered full-time employees. Full-time employees are eligible for all benefits described herein, unless provided otherwise.
- B. Part-time eligible: Employees who are not assigned temporary employment and who are regularly scheduled to work at least 20 hours per week and less than 35 hours per week on an indefinite, continuing basis. A part-time employee is eligible for limited benefits as described herein, or to the extent required by provision of state and federal laws.
- C. Part-time ineligible: Employees who are not assigned temporary employment and who are regularly scheduled to work less than 20

hours per week on an indefinite, continuing basis. A part-time ineligible employee is not eligible for benefits described herein, unless stated otherwise, or to the extent required by provision of state and federal laws.

- D. Temporary: Employees who are hired for a specific period of time or for the completion of a specific project. The job assignment, work schedule and duration of the position will be determined on an individual basis. Employment beyond any initially stated period does not in any way imply a change in employment status. Temporary employees are not eligible for benefits described herein, unless stated otherwise, or to the extent required by provision of state and federal laws. Examples of a temporary employee include, but are not limited to, a camp counselor hire for the summer or a snowplow operator hired for the winter season.

Probationary Period

Generally, pursuant to the Columbia County Civil Service Commission's Rules, every permanent appointment from an open competitive list and every original appointment to a position in the noncompetitive, exempt, or labor class shall be for a probationary term of 12 weeks. However, a returning employee who has already successfully completed the probationary period is not required to serve another probationary term. The probationary term for promotion shall be 12 weeks. During the probationary period, the employee will have the opportunity to evaluate his or her new position and the employee's supervisor will evaluate the employee's performance and suitability for the position. Successful completion of the probationary period is not intended to create a contract of permanent employment.

Definitions

As used in these policies, the following terms shall have the meanings indicated:

ANNIVERSARY YEAR

The one-year period beginning on the date an employee commences employment.

CALENDAR YEAR

The period beginning January 1 of any year through December 31 of the same year.

Overtime

The Fair Labor Standards Act (FLSA) provide that nonexempt employees under FLSA who work more than forty hours in a workweek receive overtime pay of one and a half times an employee's regular rate. Only hours actually worked count in the overtime calculation, unless an employee is required to work on a holiday. In that event, the employee will get credit for those hours. Therefore, holidays not worked, vacation days and sick days are not counted even though the employee may have received holiday, vacation, or sick day pay. The Town reserves the right to require employees to work overtime and will make every effort to provide employees with adequate notice. Any overtime hours worked, however, must first be approved by the employee's supervisor.

Ethics and Conflicts of Interest

The Town expects its employees to conduct business according to the highest ethical standards of conduct. Employees are expected to devote their best efforts to the interests of the Town and avoid appearances of impropriety. The Town recognizes the right of employees to engage in activities outside of their employment which are of a private nature and unrelated to Town business; however, the employee must first disclose possible conflicts so that the Town may assess and prevent potential conflicts of interest. Conflicts of interest occur when employees engage in a business or transaction or professional activity, or incur an obligation of any nature, which is in substantial conflict with the proper discharge of their duties in the public interest. For more information, the *Town's Code of Ethics* sets forth standards of conduct for Town employees and provides for penalties for employees who knowingly and intentionally violate such standards of conduct. If an employee has any question whether an action or proposed course of conduct would create a conflict of interest, he or she should immediately contact the Board of Ethics for an advisory opinion.

Employee Conduct; Discipline and Discharge

Employees are expected to report to work as scheduled and to perform their job responsibilities to the best of their abilities and in a professional manner at all times. Civil Service Law § 75 governs the procedures the Town will follow in disciplinary actions involving employees covered by § 75. Civil

Service Law § 75 provides that a covered employee may not be removed or otherwise subjected to disciplinary penalty except for incompetency or misconduct shown after a hearing on stated charges. Such employee is entitled to representation and to summon witnesses to testify on her or his behalf at the hearing. If the employee is found guilty of any charges, the Town may take disciplinary action ranging from a formal letter of reprimand to a fine, a temporary suspension, demotion, or dismissal from service. The disciplinary action taken against an employee shall be based on the nature of the disciplinary violation and/or the employee's employment record with the Town.

Leave Policies

A. Bereavement leave. In the event of a death occurring in the immediate family of any full-time employee, an unpaid leave of absence shall be granted to attend the funeral, for up to two scheduled workdays. For the purposes of this bereavement leave policy, "immediate family" shall mean mother, father, spouse, sister, brother, child, mother-in-law, or father-in-law.

B. Holidays.

(1) The Town recognizes 12 holidays for which most of the Town's business operations will be closed:

New Years Day
Martin Luther King Day
Presidents Day
Memorial Day
Independence Day
Labor Day
Columbus Day
Veterans Day
Election Day
Thanksgiving
Day after Thanksgiving
Christmas

(2) Full-time employees are entitled to the above 12 paid holidays, plus one paid floating holiday, which is to be approved by the employee's supervisor. In the event that a recognized holiday falls on a Saturday, it will be observed on the preceding Friday, and a recognized holiday that falls on a Sunday will be observed

on the following Monday. Part-time eligible employees do not receive paid holidays. Part-time eligible employees may use sick/personal or vacation time for pay for holidays that fall on a normal work day; they will be paid for their normal work hours for that day.

- C. Military leave. Employees are entitled to a leave of absence to perform ordered military duty as set forth in New York Military Law. Town employees are entitled to receive their regular pay for a period of such service not exceeding a total of 30 days or 22 working days, whichever is greater, in any calendar year and in any continuous period of absence. Employees who are members of the organized militia or of the U.S. reserves are entitled to a leave of absence for initial full-time training duty or initial active duty for training with the U.S. armed forces. To be reinstated, employees must apply within the first 90 days after discharge. Time spent performing military duty will not be considered an interruption of continuous service.

- D. Sick and personal time.
 - (1) Full-time employees: After completing the probationary period, full-time employees will receive 8 hours of sick and personal leave for every one month of full-time employment. Thereafter, at the start of each calendar year, full-time employees will be credited with 96 hours of sick and personal leave. Unused sick and personal time will accrue to a maximum limit of 288 hours and will be carried over from one calendar year to the next.
 - (2) Part-time eligible employees: After completing the probationary period or upon becoming eligible for part-time benefits, part-time eligible employees will receive 4 hours of sick and personal leave for every one month of part-time eligible employment. Thereafter, at the start of each calendar year, part-time eligible employees will be credited with 48 hours of sick and personal leave. Unused sick and personal time will accrue to a maximum limit of 144 hours and will be carried over from one calendar year to the next.
 - (3) Upon termination of employment, employees will not receive any compensation for unused sick and personal time.

E. Vacation leave.

- (1) Upon successful completion of the probationary period, full-time employees will become eligible for paid vacation. Full-time employees will receive five workdays of paid vacation after one year of service. After two years of service, full-time employees will be eligible for 10 workdays of paid vacation. Thereafter, full-time employees will receive one additional workday per year of service up to a maximum of 20 paid vacation days per year. Up to five paid vacation days may be rolled over into the next calendar year upon request from the employee and approval by the Town Board, but those vacation days must be utilized by June 30 of that year.
- (2) Upon successful completion of the probationary period or upon becoming eligible for part-time benefits, part-time eligible employees will become eligible for paid vacation. Part-time eligible employees will receive 2.5 workdays of paid vacation after one full year of service or upon obtaining part-time eligible status if they have already fulfilled one full year of service. After two years of service as a part-time eligible employee, they will be eligible for 5 workdays of paid vacation. Thereafter, part-time eligible employees will receive .5 additional workdays per year of service up to a maximum of 10 paid vacation days per year. Vacation time for part-time eligible employees may not be rolled over into the next calendar year.
- (3) Upon leaving Town service, an employee will be compensated for unused vacation time. Employees leaving employment with the Town before June 30 will be eligible for 50% of their earned but unused vacation time. If the departure occurs after July 1 through the end of the year, the employee will be entitled to 100% of the vacation time; however, any employee terminated for cause will be automatically disqualified from receiving any payment for accrued vacation time.

Employee Benefits

A. Health insurance.

- (1) Full-time employees who have worked full-time and completed the probationary period of 12 weeks are eligible to elect coverage for themselves and dependents in the Town's group medical

plan. Full-time employees hired prior to January 1, 2011, are eligible for 100% paid health insurance by the Town; full-time employees hired after January 1, 2011, are eligible for health insurance with 80% paid by the Town and 20% paid by the employee.

Effective January 1, 2019, only full-time employees currently enrolled in the CDPHP plan with the Town paying the premium or a portion thereof will be eligible to continue with this plan. An alternative plan will be available as an option for these current full-time employees and all other eligible employees.

- (2) Part-time eligible employees who have worked at least 20 hours per week for the probationary period of 12 weeks or who successfully completed the probationary period prior to becoming eligible are eligible to elect coverage for themselves in the Town's group medical plan with 40% of the employee only premium paid by the Town and 60% paid by the employee on a bi-weekly basis as a payroll deduction. Part-time eligible employees may elect coverage for spouses, children or family but part-time eligible employees will pay 100% of the insurances premium(s) over the 40% of employee only premium on a bi-weekly basis as a payroll deduction.
- (3) Paid part-time ineligible employees who have completed the probationary period of 12 weeks are eligible to elect coverage for themselves and dependents in the Town's group medical plan. Part-time ineligible employees will pay 100% of the insurances premium(s) on a bi-weekly basis as a payroll deduction.
- (4) Buy-back option: Full-time employees eligible for health insurance can choose a buy-back option in lieu of health insurance at the following annual rates; with proof of insurance; and upon execution of the signed employee agreement noting their desire to participate in the health insurance buy-out and the details of the buy-back option, including that the buy-back will be included as part of each regular paycheck during the calendar year and that opting in or out of the buy-out will be available on a monthly basis with the amount of buy-back prorated:

Buy-Back Option	Annual Rate
Individual	\$2,500*
Employee plus child(ren)	\$4,100*

Buy-Back Option	Annual Rate
Employee plus spouse	\$4,800*
Family	\$7,000*

NOTES:

*The buy-back will be reduced by 20% for employees required to pay 20% of the insurance premium. The buy-back option is not available for part-time eligible employees.

- B. Health insurance benefits continuation (COBRA): The federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified beneficiaries the opportunity to continue health insurance coverage under the Town’s health plan when a “qualifying event” would normally result in the loss of eligibility. Some common qualifying events are resignation, termination of employment, or death of an employee; a reduction in an employee’s hours or a leave of absence; an employee’s divorce or legal separation; and a dependent child no longer meeting eligibility requirements. Under COBRA, the employee or beneficiary pays the full cost of coverage of the Town’s group rates plus an administration fee.
- C. New York State retirement: All employees may join the New York State Retirement System and will be offered information about joining when they are hired. The standardized workday, for retirement purposes only, is a six-hour workday.
- D. Workers’ compensation benefits. The Town complies with the provisions of the New York State Workers’ Compensation Law and provides benefits to any employee who is injured while working. Any employee who sustains an on-the-job related injury or illness must immediately report the injury or illness to his or her supervisor. Workers’ compensation benefits cover replacement income and medical expenses.

Town of New Lebanon Sexual Harassment Policy

Findings and Purpose

- A. All employees of the Town of New Lebanon should be able to enjoy a work environment free from all forms of discrimination, including sexual harassment.
- B. Sexual harassment is a form of misconduct that undermines the integrity of the employee relationship. No employee, either male or female, should be subjected to unsolicited and unwelcome sexual overtures or conduct, either verbal or physical in nature, by any coworker, supervisor or nonemployee.
- C. Sexual harassment does not refer to occasional compliments of a socially acceptable nature. It refers to behavior that is not welcome, that is personally offensive to the recipient, that lowers morale and, therefore, that interferes with work effectiveness.

Employee/Management Responsibilities

- A. Each department head as well as all employees of the Town of New Lebanon have a responsibility to maintain the workplace free of sexual harassment. This responsibility includes discussing this policy with all employees and assuring them that they are not to endure insulting, degrading or exploitative sexual treatment. Department heads and/or the Town Board will take appropriate steps to resolve employee complaints in a fair, expeditious, and confidential manner whenever they become aware of potential violations of this policy.
- B. Any individual found to have engaged in sexual harassment will be subject to discipline, up to and including termination.
- C. Each employee is expected to uphold these standards, to utilize established complaint resolution guidelines and to maintain confidentiality in matters that are under review and investigation. False accusations made by an employee against another individual will result in appropriate disciplinary action up to and including termination.

Statement of Policy

- A. Definition. Sexual harassment does not refer to occasional compliments of a socially acceptable nature. It refers to behavior that is not welcome, that is personally offensive to the recipient, that lowers morale and, therefore, that interferes with work effectiveness.
- B. Specifically, no person shall threaten or insinuate, either verbally, physically, explicitly or implicitly, that an employee's refusal to submit to sexual advances will adversely affect the employee's employment, evaluation, wages, advancement, assigned duties, shifts, or any other condition of employment or career development. In addition, no employee, male or female, should be subjected to unsolicited and unwelcome sexual overtures or conduct, either verbal or physical in nature.

Outside Vendors

Further, no employee shall be subjected to unsolicited or unwelcome sexual overtures or conduct, either verbal or physical in nature, from any nonemployee with whom the employee may come in contact while representing the Town of New Lebanon in any capacity. It is the duty of department heads to monitor such interactions when possible and to respond to employee complaints regarding such behavior.

Retaliation

The Town of New Lebanon will not condone or tolerate retaliation by any town employee against a coworker for making a complaint concerning sexual harassment; this type of intimidation will be dealt with severely.

Harassment Outside the Workplace

Sexual harassment, directly relating to one's employment, shall be subject to disciplinary action even when committed during nonbusiness hours.

Employee Procedure for Filing a Charge of Sexual Harassment

- A. Any employee who wishes to file a sexual harassment charge should do so in writing as soon as possible after the alleged incident. In order to facilitate competent and complete investigation of any charges, the

town encourages each employee to immediately report any alleged case of sexual harassment.

- B. The employee shall ask for a private meeting with one or more of the following:
 - (1) Department head.
 - (2) Town Supervisor.
 - (3) Town Board.
- C. If the private meeting is with the department head or the Town Supervisor, then the department head or Town Supervisor shall provide a report of circumstances of the matter to the Town Board in executive session.
- D. The Town Board shall take such appropriate action as it deems necessary to adequately address the complaint, and shall conduct an investigation of the matter unless such investigation is clearly not warranted.
- E. If the person against whom such complaint has been made is a department head, Town Supervisor or Town Board member, then such person shall not take part in the investigation or in the reviewing process provided for herein, but this shall not preclude such person from offering his version of the matter to the appropriate reviewing authority.
- F. If the investigation conducted by the Town Board results in facts that lead to substantiation of a sexual harassment charge, any employee so accused has a right to the same rights and possible penalties set forth in Subsections I and J.
- G. Hearing.
 - (1) The hearing will be held in executive session before a panel of three (3) representatives as follows:
 - (a) Town Supervisor.
 - (b) Two Town Board members as designated by the Town Board.

- (2) The Town Supervisor shall conduct the hearing in such manner as to give each participant the right to be heard and to present the facts. Strict rules of evidence shall not apply, but the Town Supervisor, in his discretion, may preclude evidence that is clearly irrelevant or not adequately verifiable.
- H. If the sexual harassment charges are upheld at hearing, then the hearing panel shall provide for such discipline as it deems appropriate, including an apology, a suspension from employment without pay, or termination of the employee.
- I. If the sexual harassment charges are upheld against an elected official of the town, such charges may serve as the ground for removal of the official pursuant to § 36 of the Public Officers Law.
- J. The decision made by the hearing panel shall be in writing and shall be delivered to the person(s) involved personally or, in the alternative, mailed to them by certified mail, return receipt requested, at the addresses given by such person(s) to the hearing panel. Such decision shall be final and binding.

Town of New Lebanon Workplace Violence Prevention Policy

Policy Statement Adopted; Completion of Checklists Required

The attached “Town of New Lebanon Workplace Violence Prevention Policy Statement” document (Appendix A) is adopted, and the “Workplace Security Checklists” document (Appendix C) is to be completed by the Town Clerk one time after the adoption of this policy.

Contact Person Designated

The Town Clerk is established as the designated contact person for complaints of any workplace violence incidents.

Alternate Contact Person Designated

The Town Supervisor shall act as the alternate contact person in the absence of the Town Clerk or in instances where the Town Clerk is the alleged aggressor.

Incident Report

The attached “Workplace Violence Incident Report” document (Appendix B) is to be utilized to document any reports of alleged workplace violence.

Workplace Training Required

Workplace training on violence prevention shall occur on an annual basis for employees of the Town, and such annual training will utilize the “Workplace Violence Prevention Training” document (Appendix D) and the guidelines established in 12 NYCRR 800.6 as the basis for the training which shall occur, and the document will be completed by the Town Clerk on an annual basis following the completion of the training.

Workplace Violence Prevention Policy

Appendix A Workplace Violence Prevention Policy Statement

The Town of New Lebanon is committed to the safety and security of our employees. Workplace violence presents a serious occupational safety hazard to our town, staff, and the public.

Workplace violence is defined as any physical assault or act of aggressive behavior occurring where a public employee performs any work-related duty in the course of his or her employment, including but not limited to an attempt or threat, whether verbal or physical, to inflict physical injury upon an employee; any intentional display of force which would give an employee reason to fear or expect bodily harm; intentional and wrongful physical contact with a person without his or her consent that entails some injury; or stalking an employee with the intent of causing fear or material harm to the physical safety and health of such employee when such stalking has arisen through and in the course of employment.

Acts of violence against any of our employees where any work related duty is performed will be thoroughly investigated and appropriate action will be taken, including involving law enforcement authorities when warranted. All employees are responsible for helping to create an environment of mutual respect for each other as well as the public, following all policies, procedures and practices, and for assisting in maintaining a safe and secure work environment.

This policy is designed to meet the requirements of NYS Labor Law 27b and highlights some of the elements that are found within our Workplace Violence Prevention Program. The process involves complying with this law which includes a workplace evaluation that is designed to identify the risks of workplace violence to which our employees could be exposed. Authorized employee representative(s) will, at a minimum, be involved in:

- Evaluating the physical environment;
- Developing the Workplace Violence Prevention Program;
- and
- Reviewing workplace violence incident reports at least annually to identify trends in the types of incidents reported, if any, and reviewing the effectiveness of the mitigating actions taken.

All employees will participate in the annual Workplace Violence Prevention Training Program. The goal of this policy is to promote the safety and well-being of all people in our workplace. All incidents of violence or threatening behavior will be responded to immediately upon notification. All the Town of New Lebanon personnel are responsible for notifying the contact person designated below (or alternate contact person in the absence of the designated contact person or when the designated contact person is the alleged aggressor) of any violent incidents, threatening behavior, including threats they have witnessed, received, or have been told that another person has witnessed or received.

Designated Contact Person:

Name: _____
Title: Town Clerk
Department: All Departments
Phone: (518) 794-8888
Location: New Lebanon Town Hall

Alternate Contact Person:

Name: _____
Title: Town Supervisor
Department: All Departments
Phone: (518) 794-8889
Location: New Lebanon Town Hall

Workplace Violence Prevention Policy

Appendix B Workplace Violence Incident Report

Today's Date _____

Date of incident _____

Time of incident _____

Case Number (to be completed by designated contact person) _____

Involved individual(s) name(s) _____

Title of individuals involved in incident _____

Workplace location where incident occurred _____

If known, what was the employee doing just prior to the incident?

Incident description (Minimally include names of involved employees, extent of injuries and names of witnesses):

How did the incident end?

Print Name and Title

Signature

Enter "Privacy Concern Case" above if this is a case involving injury to an intimate body part or the reproductive system, injury or illness resulting from sexual assault, mental illness, HIV infection, needle stick injuries or injuries which may be contaminated with another person's blood or infectious material, or if the employee independently and voluntarily requests that his or her name not be entered in the report.

Workplace Violence Prevention Policy

Appendix C Workplace Security Checklists

Facility: _____

Address/Work Location: _____

Assessment Done By: _____

Date of Assessment: _____

Security Control Plan

Has a Security Control Plan been developed? Yes _____ No _____

If yes, is it in writing? Yes _____ No _____

If yes, does it include? Yes _____ No _____
A. A Policy Statement Yes _____ No _____
B. Evaluation of work areas Yes _____ No _____

C. Identification of control methods considered:
1. Engineering Controls Yes _____ No _____

2. Work Practice Controls Yes _____ No _____

D. Training Yes _____ No _____

E. Evacuation and Floor Plan Yes _____ No _____

Is the Security Control Plan accessible to all employees? Yes _____ No _____

Is the Security Control Plan reviewed and updated
when a task has been added or changed
and at least annually? Yes _____ No _____

Have you coordinated your Security Control Plan
with the local law enforcement agency? Yes _____ No _____

A. Policy Statement

Is the Workplace Violence Policy statement clearly written?
Yes _____ No _____

B. Work Area Evaluation

Are all areas being evaluated? Yes _____ No _____

If no, which ones are not? Comments:

C. Control Measures

1. Engineering Controls

If appropriate, have the following engineering controls been implemented:

- A. Door control(s) Yes _____ No _____
- B. Panic buttons Yes _____ No _____
- C. Door detectors Yes _____ No _____
- E. Closed circuit Yes _____ No _____
- F. Stationary metal detector Yes _____ No _____
- _____
- G. Sound detection Yes _____ No _____
- _____
- H. Intrusion panel Yes _____ No _____
- I. Monitors Yes _____ No _____
- J. Video tape recorder Yes _____ No _____
- K. Switcher Yes _____ No _____
- L. Hand-held metal detector Yes _____ No _____
- _____
- M. Other _____

Have structural modifications (e.g. Plexiglas, partitions, etc.) been implemented?

Yes _____ No _____

If yes, comment, if no, what is needed?

2. Work Practice Controls:

If appropriate, have the following work practice controls been implemented:

- A. Desk clear of objects Yes _____ No _____
- B. Unobstructed office exits Yes _____ No _____
- _____
- C. Bare cubicles available Yes _____ No _____
- _____
- D. Reception area available Yes _____ No _____

E. Visitor/client sign in/out Yes ____ No

F. Visitor(s)/client(s) escorted Yes ____ No ____

G. Counter top to separate clients
from work area Yes ____ No ____

H. One entrance used Yes ____ No

I. Separate interview area(s) Yes ____ No

J. ID badges used Yes ____ No ____

K. Emergency phone numbers posted Yes ____ No ____

L. Internal phone system Yes ____ No ____

M. If yes, indicate:

a. Does it use 120 VAC building lines? Yes ____ No ____

b. Does it use phone lines? Yes ____ No ____

N. Internal procedures for conflict (problem)
situations Yes ____ No ____

O. Parking lot well lighted Yes ____ No

P. Other _____

Are security guards used at this facility? Yes ____ No

If yes, how many _____

A. At entrance(s) Yes ____ No ____

B. Building patrol Yes ____ No ____

C. Are they from a contracted
security agency? Yes ____ No ____

If no, has consideration been given to the
local law enforcement response capability? Yes ____ No

Comments: _____

Workplace Violence Prevention Policy

Appendix D Workplace Violence Prevention Training

Has training been conducted? Yes ____ No ____

If yes, is it provided?

1. Prior to initial assignment Yes ____ No ____

2. Annually thereafter Yes ____ No ____

Does training include:

A. Components of security control plan Yes ____ No ____

B. Engineering controls instituted at the workplace Yes ____ No ____

C. Work practice controls instituted at the workplace Yes ____ No ____

D. Techniques to use in potentially volatile situations Yes ____ No ____

E. How to anticipate/read behavior Yes ____ No ____

F. Procedures to follow after an incident Yes ____ No ____

G. Periodic refresher for on site procedures Yes ____ No ____

H. Recognizing substance abuse/paraphernalia Yes ____ No ____

I. Opportunity for Q&A with instructor Yes ____ No ____

Are training records kept? Yes ____ No ____

Floor Plan, Evacuation Plan

Are emergency evacuation plans current? Yes ____ No ____

Are floor plans posted showing exits, entrances, location of security equipment, etc? Yes ____ No ____

Are emergency evacuation drills conducted annually? Yes ____ No ____

Conclusions:

Do employees feel safe? Yes ____ No ____

Comments: _____

Comments and recommendations based on this evaluation:

Attachment B

Town of New Lebanon Fee Schedule

Fees Derived from Code

The fees referred to in the Code sections enumerated below shall be as follows:

Chapter 71, Animals

Single-Year Application	Application Fee/ Senior Citizen Discount	Mandatory Surcharge	Total Fee/With Senior Citizen Discount
For each dog that is spayed or neutered	\$6.50/5.50	\$1	\$7.50/\$6.50
For each dog that is unspayed or unneutered	\$12.50/\$10.50	\$3	\$15.50/\$13.50

Optional Three-Year License (When Qualified)	Application Fee	Mandatory Surcharge	Total Fee
For each dog that is spayed or neutered	\$12.75	\$3	\$15.75
For each dog that is unspayed or unneutered	\$23.55	\$9	\$32.55

Purebred Application	Flat Fee	Mandatory Surcharge (per dog)
10 or fewer dogs	\$25	\$3
11 to 25 dogs	\$50	\$3
25 or more dogs	\$100	\$3

Impoundment

Initial fee (first and second offense)	\$50	(paid to C-G Humane Soc'y upon retrieval)
Per day fee (first ten days)	\$35/day	(paid to C-G Humane Soc'y upon retrieval)

After tenth day, add'l flat fee	\$300	(paid to C-G Humane Soc'y upon retrieval)
Additional fee (where more than 2 impoundments in 5 years)	\$200	(paid to C-G Humane Soc'y upon retrieval)

Any impoundment fees not paid to C-G Humane Society shall be remitted to the Town

Chapter 88, Campgrounds

§ 88-5C	Camping ground license fees	
	At the time of application for the permit	\$25
	Upon issuance of the license	\$5 per site based upon the maximum number of sites shown in the application
	Minimum fee	\$25

Chapter 101, Entertainment, Public

§ 101-12	License application fee	\$200
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Chapter 129, Junkyards

§ 129-5A	Application/Renewal	\$100
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Chapter 145, Mobile Home Parks

§ 145-7	Mobile home park license fees	
	At the time of application for the permit	\$25
	Application/Renewal	\$20 per site

Chapter 152, Parks and Recreation

§ 152-3	Pavilion rental fee	
	Resident	\$50
	Nonresident	\$150

Chapter 179, Subdivision of Land

§ 179-6A(7) and C	Application for minor subdivision	\$100 plus \$50 per lot
§ 179-8A	Application for major subdivision	\$500 plus \$50 per lot

Chapter 185, Taxation

§ 185-1	Charge for mailing second (or subsequent) notices	\$2
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Additional Fees

Additional fees shall be as follows:

Subject	Fee
Marriage license (see Domestic Relations Law § 15)	\$40
Marriage transcript	\$10
Death transcript	\$10
Birth transcript	\$10
Zoning application/review	\$25
ZBA application	\$35 per action
Building permit	Depends on cost; \$25 minimum
Cost of up to \$2,000	\$25
\$2,001–\$25,000	\$25 for the first \$2,000, plus \$4 for each additional \$1,000 or fraction thereof, to and including \$25,000
\$25,001–\$50,000	\$117 for the first \$25,000, plus \$3 for each additional \$1,000 or fraction thereof, to and including \$50,000
Over \$50,000	\$192 for the first \$50,000, plus \$2 for each additional \$1,000 or fraction thereof
Building permit renewal	\$25

Subject	Fee
Demolition permit	\$35
Tower Ordinance	\$8
Individual Town Code chapters and individual ordinances	\$5 per booklet plus \$0.50 per page to a maximum fee of \$25 per booklet
Town History books	\$15
Comprehensive Plan copies	
Color copy	\$35/copy
Black-and-white copy	\$25/copy
Summer Youth Program ^{1,2,3}	
Early registration fees (applicable where final payment is received by June 15)	
Resident (Town taxes paid to New Lebanon)	
1 child	\$480/season
2 children	\$720/season
3 children	\$882/season
4 or more children	\$1002/season
Local nonresident (Town taxes not paid to New Lebanon; school taxes paid to NLCSD)	
1 child	\$810/season
2 children	\$1,200/season
3 children	\$1,620/season
4 or more children	\$1,920/season
Nonresident (Town taxes not paid to New Lebanon; school taxes not paid to NLCSD)	
Per child	\$1,620
Registration Fees (applicable where final payment is not received by June 15)	
Resident (Town taxes paid to New Lebanon)	
1 child	\$600/season
2 children	\$900/season

¹ Additional fees will be charged for on-site and off-site programs and field trips. These fees will be set by the Summer Youth Camp Director based on the cost of the program or field trip.

² Registration fees will be waived for children of Town of New Lebanon employees.

³ Registration fees must be paid for the entire season. Participation for only part of the season will not result in discounted registration fee.

Subject	Fee
3 children	\$1,102/season
4 or more children	\$1,252/season
Local nonresident (Town taxes not paid to New Lebanon; school taxes paid to NLCSD)	
1 child	\$1,013/season
2 children	\$1,500/season
3 children	\$2,025/season
4 or more children	\$2,400/season
Nonresident (Town taxes not paid to New Lebanon; school taxes not paid to NLCSD)	
Per child	\$2,025
Swim Program Fees	
	\$40 per session
	\$70 for two sessions
Certificate of compliance/occupancy search	\$35
Returned check ⁴	\$20
CC/CO special inspection	\$35
Roofing permit	\$25
Heating appliance installation permit	\$25
New electric service installation permit	\$25
Sheds under 144 square feet	Building permit fee waived

⁴ Said fee will be charged for all checks returned by a financial institution for nonpayment (such as "insufficient funds"; "uncollected funds"; etc.) and notice thereof will be prominently posted in any place where payments are accepted and will be included on any application for which checks are accepted as payment.

Attachment C

Adopted 4/19/19 by Town Board



Compass - stands for direction
book - stands for knowledge
torch - stands for vision

Adopted 4/9/19 by Town Board



Compass - stands for direction
book - stands for knowledge
torch - stands for vision