

**MINUTES OF THE SPECIAL MEETING OF  
THE TOWN BOARD OF THE TOWN OF NEW LEBANON  
HELD ON MARCH 16, 2020**

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

**Absent:** Norman Rasmussen, Councilmember

**Recording Secretary:** Marcie Robertson, Town Clerk

**No Others Present**

**CALL TO ORDER:**

The meeting was called to order at 2:30 pm by Supervisor Houghtling.

**MODIFY MOTION FOR LETTERS OF INTEREST:**

Supervisor Houghtling stated that we need to modify the motion made at the March 10, 2020 Regular Monthly Meeting that letters of interest for Dog Control are due by April 10<sup>th</sup> at 4:00 pm for us to interview on the 14<sup>th</sup>, which is our regular April Town Board Meeting. She stated that waiting until the May meeting leaves us without coverage for six weeks. We already have our public hearing at 6:30 pm on the 14<sup>th</sup>, can everyone do a 5:30 pm for interviews. All board member present agreed.

Supervisor Houghtling made a motion modifying the motion on March 10<sup>th</sup> with letters of interest for Dog Control Officer due by Friday, April 10<sup>th</sup> at 4:00 pm with interviews to be held Tuesday, April 14<sup>th</sup> at 5:30 pm. The motion was seconded by Councilmember Trainor.

**Roll Call Vote:**

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

Supervisor Houghtling made a motion to set a Special Meeting of the Town Board at 5:30 pm on April 14<sup>th</sup>, 2020 for the purpose of interviewing for the Dog Control Officer position. The motion was seconded by Councilmember Newton and approved with four Ayes and one Absent.

Supervisor Houghtling stated we have to officially make a motion authorizing somebody to fill in from April 1<sup>st</sup>, 2020 to April 14<sup>th</sup>, 2020 for Dog Control Officer. Supervisor Houghtling stated that she thought Marcie, herself and/or Jesse could temporarily fill in.

Councilmember Newton stated he could try, but he is very busy with work.

Councilmember Trainor offered to help fill in.

Town Clerk, Marcie Robertson stated that per her conversation with Wes Powell, he will be available to fill in until the position is filled.

Supervisor Houghtling stated that with his health in consideration, we should have other options in place.

Supervisor Houghtling made a motion authorizing the Town Clerk, The Town Supervisor and/or Councilmember Trainor to cover the Dog Control Officer duties from April 1<sup>st</sup>, 2020 through April 14<sup>th</sup>, 2020. The motion was seconded by Councilmember Trainor.

Roll Call Vote:

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

**WATER TESTING:**

Supervisor Houghtling stated the letter that the Town Board authorized her to send is prepared and ready to go out. The issue is that only DEC will be defining downgradient and they won't be doing it for a few months. Supervisor Houghtling spoke with the Town Attorney and with Steve Winkley and their recommendation is to re-do the motion authorizing Supervisor Houghtling to send letters within a quarter mile of the landfill.

Councilmember Newton stated that this is what his argument was that night of the board meeting. Councilmember Newton stated to just make it half mile because the board cannot figure what downgradient is. That is why he said to make it a half mile.

Supervisor Houghtling stated the first recommendation is to remove the word downgradient out of the motion. The second recommendation, and this is from both the Attorney and Steve Winkley, is to go down to a quarter mile because when you go out to a half a mile, Steve pulled the map and it is eighty-nine properties, a quarter mile is sixteen properties. DEC is not going to go anywhere other than a quarter mile downgradient. So even with sending letters to everyone within quarter mile you are going to send to properties that aren't going to be tested by DEC because we do not know who is downgradient and who is not. When you open it to a half mile you are now sending the letter to eighty-nine people of which we know for a fact, seventy-three of those people are not going to have any testing.

The Attorney feels very strongly that yes, we need to be transparent and open, which we are, but by sending a letter you are possibly creating a scenario of people wondering why they aren't included in the testing.

Supervisor Houghtling stated that she hears what Councilmember Newton is saying and she agrees with him, but she does tend to go with the Attorney's advice.

The Attorney did bring in his partner, who is the Attorney for the Town of Hoosick, and one of Hoosick's issues was that they weren't open and transparent with the public, so we definitely want to be sending this letter, it is a good thing. Until we know more from DEC and what follow-up steps DEC will be taking, the Attorney recommended we keep it within the quarter mile and to remove the word "downgradient" completely.

Councilmember Newton stated that is fine but he is worried that his idea of downgradient would probably be in directions of the larger pieces of property because his guess is flow is that way. So he guesses it would probably effect pieces that are already abutters if we open it up more than that. Councilmember Newton stated that his worry is that people who might need to be noticed are not going to get noticed if we just go by a straight mileage figure of a quarter mile.

Supervisor Houghtling stated she agrees, and she does think that we should proactively, as much as we can, get the word out there, but a letter from the Town is a little bit different. You are possibly opening up litigation on the Town's end, when we are trying to be proactive to actually open a can of worms that might not be there. Supervisor Houghtling said that she suggests to spread the word as much as we can.

Supervisor Houghtling made a motion modifying the motion made on March 10<sup>th</sup>, 2020 with the letters from the Town Supervisor regarding the water testing at the old landfill going to all house within a quarter mile of the old landfill on Old Post Road. The motion was seconded by Councilmember Newton.

Roll Call Vote:

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

**CORONAVIRUS:**

Supervisor Houghtling stated there is a lot of information coming in from a County level, a State level and The Association of Towns. Supervisor Houghtling stated she has been trying to keep up as much as possible and gave a little summation and then what motions were recommended and then the board can decide from there as to what action they want to take or not.

Supervisor Houghtling stated that, as of today, Governor Cuomo has required that all Municipal Governments reduce their staff by fifty percent in the building. Supervisor Houghtling stated that we had already talked about getting people set up to work from home, that has been done, everybody can work from home with the exception of the Court and to some extent the Town Clerk's Office.

Supervisor Houghtling stated that Town Clerk, Marcie Robertson did get set up so that she can access her work computer from her home computer, but there are definitely going to be certain things, like a Death Certificate or a Marriage that she would have to come in for.

Supervisor Houghtling stated that in conversation with other Town Supervisor's here in Columbia County, Rensselaer County actually put out County wide that they want all Town Halls to close, so a lot of those in Rensselaer County are closed. Supervisor Houghtling asked Columbia County are we doing a similar directive, she would feel more comfortable coming from a directive from the County, it seems that within the next day or two everyone will be closing their Town Hall with a note on the door stating for necessary services, because we cannot deny services to our residents. Especially in a crisis like this you want to be available. We would put a note on the door with the Town Clerk's and the Supervisor's cell phone numbers to be contacted if needed.

Supervisor Houghtling stated that the Court has already been closed down by The Unified Court System, we do not have control over that.

Supervisor Houghtling had a few ideas: anyone who can work from home should start working from home immediately, that brings us in line with what Governor Cuomo asks that fifty percent of our staff being gone. It would include herself, the Building Department, the Assessor and the Tax Collector. All four of those departments have full ability to work from home. Again they would not be accessible to the public unless they need them in which case the public can reach out

to them and accommodations can be made.

Supervisor Houghtling stated that she feels it important to consider closing the Town Hall to the public, especially for the Court and Town Clerk's offices that cannot work from home to make sure that they are not being exposed or exposing to others. If this happens then discussion needs to be had regarding pay, etc. Supervisor Houghtling feels that it is only a matter of time that an order comes from State or Government that states we cannot come to work and if that happens she doesn't feel that employees should not get paid. Supervisor Houghtling stated that when she talked to the Association of Towns, Attorney John Tingley and other towns, everyone's recommendation is that everyone is still getting paid. It is not their fault that they are being told that they cannot come into work.

Supervisor Houghtling stated that on our part it would take a temporary motion authorizing that if employees cannot work from home, if they do not have that ability and an order comes from either the Town Government or high up Government saying that they are not to come to work, that they would continue to get paid for their normal hours of pay.

Councilmember Newton asked if we knew what Rensselaer County has already done in this instance?

Supervisor Houghtling stated that she spoke with the East Greenbush Town Supervisor, they have closed all offices with a note on the door, everyone that can work from home, is working from home and everyone that cannot is just getting paid to stay home.

Councilmember Newton stated that his guess is that Columbia County will be following suit at some point.

Supervisor Houghtling stated that she spoke to Matt Murell with Stockport and Peter Cipkowski with Hillsdale, both will be closing their Town Halls as of 5:00 pm today. Same thing if you can work from home, great, but no matter what employees are still getting paid their normal hours.

Supervisor Houghtling feels it will be coming from the Federal Government sooner than later, either way feel we should be proactive. Supervisor Houghtling stated that because we are here in a meeting we should talk about if it comes from a high level of Government that people have to stay home, do we pay employees anyway. Supervisor Houghtling feels very strongly that we do.

Councilmember Trainor stated that he agrees.

Councilmember Gordon stated she thinks so too, you want to encourage people to stay home.

Councilmember Newton stated yes because we are funded from such a large amount, from a small business standpoint, this is scaring everybody.

Supervisor Houghtling stated she hears Councilmember Newton and she agrees with him, the good news is she thinks the Government is taking active steps with Family Medical Leave Act having to do specifically with the Coronavirus.

Supervisor Houghtling stated that from our Town Attorney today, "it has not yet passed but it probably will that all employees will get twelve weeks of job protected Family Leave Act with pay". It is called the Families First Coronavirus Response Act, so the employees still get paid but it is not going to fall on you, as a business owner to cover it.

Supervisor Houghtling stated that from a Town prospective she looks at it as we are budgeted for year round pay to our employees, so if we go a month and employees do not come in that stinks. We do not have the productivity, but there is no change in our budget.

Councilmember Newton stated that the other thing is that people here are getting paid from a rather large number, which happens to be the tax base in this town. He doesn't have an issue with it.

Supervisor Houghtling stated that there are four motion that have been suggested. The Town Supervisor has the ability to schedule a meeting and to cancel a special meeting. The Town Board is the only one who can cancel a regularly scheduled meeting. The Town Attorney recommended since we are together as a board, that the Town Board make a motion authorizing the Town Supervisor the authority to cancel any Town Board, regular or special meeting for the next sixty days.

Supervisor Houghtling stated Governor Cuomo's executive order is allowing teleconference meetings right now, she is working with IT to get a platform set up for all of our boards to meet by teleconference. The public does have to have access to them, so we will put a link on our Town Website, send out an e-mail blast with the link to listen to the meeting.

Supervisor Houghtling after discussion with the board, suggested skipping the motion to authorize her canceling a meeting. She had spoken to the Attorney before the Governor gave the okay for teleconference meetings.

Supervisor Houghtling stated that Columbia County established Coronavirus paid leave. If a County employee is quarantined by the Department of Health and or their doctor that they are eligible for up to ten days of Coronavirus sick pay. That doesn't count against their regular sick pay, we do have employees here that don't even have any sick pay, so she thinks it is important to have something in place. If

closing the Town Hall, might be a moot point.

Supervisor Houghtling made a motion to close the Town Hall as of 5:00 pm today to the public with necessary services still being available by appointment only and order all employees who have the ability to work from home, to work from home and with the Court Staff and Town Clerk's office Staff to continue working from the Town Hall with the front doors locked and if and when an order comes down from the higher Government that everybody is to stay home that the Court Office and the Town Clerk's Office discontinue working from the Town Hall and continue to get paid their regular scheduled hours from Town Funds, barring renumeration from a larger Governmental entity. The motion was seconded by Councilmember Trainor.

Roll Call Vote:

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

Supervisor Houghtling stated that Town Clerk, Marcie Robertson will send out an email blast, post on the website, put notes on the door and we will all change phone voice mails to include our personal cell phones for contact. Supervisor Houghtling will email all town staff.

Supervisor Houghtling stated not to get into the Cell Phone Policy too much, but Town Clerk, Marcie Robertson does not currently get paid to use her cell phone, that might be something later on that we might want to revisit.

Councilmember Newton stated he thinks we can make a motion for that today, we are talking \$25.00 a month for the Town Clerk to do work from home for however long the Government has shut down.

Councilmember Newton made a motion to authorize payment to the Town Clerk for cell phone reimbursement of \$25.00 a month until the end of Coronavirus crisis effective today, March 16, 2020. The motion was seconded by Councilmember Trainor.

Roll Call Vote:

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

Councilmember Newton wanted to update on Thompson Lane because we had a complaint on the road at the March 10<sup>th</sup>, 2020 regular meeting. Councilmember Newton took a ride out to Thompson Lane the next day and the only pothole on the entire road was not very big. His driveway is worse then the road, just to let everyone know. Councilmember Newton actually videoed his travel over the road.

**ADJOURNMENT:**

A motion was made by Supervisor Houghtling and seconded by Councilmember Newton to adjourn the meeting at 3:00 pm.

Respectfully submitted,

Marcie Robertson  
New Lebanon Town Clerk

DRAFT