

**MINUTES OF THE PUBLIC HEARING OF  
THE TOWN BOARD OF THE TOWN OF NEW LEBANON  
ON THE LVPA CONTRACT FOR 2021  
HELD ON NOVEMBER 4, 2020**

**Present:** Tistrya Houghtling Supervisor  
Jesse Newton, Councilmember  
John Trainor, Councilmember  
Norman Rasmussen, Councilmember (online)  
Deborah Gordon, Councilmember (online)

**Recording Secretary:** Marsha “Marcie” Robertson, Town Clerk

**Others Present:** Matthew Larabee, LVPA Chief  
Eugenia Browning, LVPA Secretary  
Joe Ogilvie, Recreation Commission

**CALL TO ORDER:**

The public hearing was called to order at 6:30 p.m. by Supervisor Houghtling.

**PUBLIC HEARING NOTICE:**

Town Clerk Robertson read the following public hearing notice aloud:

**NOTICE OF PUBLIC HEARING  
OF THE TOWN BOARD  
TOWN OF NEW LEBANON  
COUNTY OF COLUMBIA**

**FIRE PROTECTION AGREEMENT BETWEEN THE TOWN OF NEW LEBANON AND THE LEBANON  
VALLEY PROTECTIVE ASSOCIATION FOR THE 2021 CALENDAR YEAR**

NOTICE IS HEREBY GIVEN that the Town Board has proposed an entry into a Fire Protection Agreement with the Lebanon Valley Protective Association, Inc., (the “LVPA”) for the provision by the LVPA of fire protection services within the Town of New Lebanon for the 2021 calendar year, inclusive of the use of apparatus and equipment necessary therefor, for the sum of \$148,210.00 of which \$118,210.00 is for operating and \$30,000.00 is for truck, building and equipment capital reserve. The \$148,210.00 will be payable in equal quarterly installments of \$37,052.50 each. A copy of said Fire Protection Agreement is available for public review in the office of the New Lebanon Town Clerk during regular office hours and is available on the town website at [www.townofnewlebanon.com](http://www.townofnewlebanon.com).

PLEASE TAKE FURTHER NOTICE that a public hearing upon said Fire Protection Agreement between the Lebanon Valley Protective Association, Inc and the Town of New Lebanon for the 2021 calendar year will be held on the 4<sup>th</sup> day of November 2020, at 6:30

p.m. at the New Lebanon Town Hall, 14755 State Route 22, New Lebanon, NY and that an opportunity to be heard will be given to those favoring or opposing the proposed contract.

Participation by the public will be via google meets (link below) or if you cannot join online, can be attended in person at the New Lebanon Town Hall (we are limited to the number of people allowed in the building at one time so if you come in person to be heard, you may need to wait outside until it is your turn - we encourage everyone who can attend online to do so and everyone online will be given an opportunity to be heard). You may also still submit comments regarding the contract between the Town of New Lebanon and Chatham Rescue Squad to:[supervisor@townofnewlebanon.com](mailto:supervisor@townofnewlebanon.com) and they will be included in the record.

Public Hearing on LVPA Contract for 2021 - 11/4 at 6:30pm-

[Join with Google Meet](#)

[meet.google.com/zyt-vbev-ira](https://meet.google.com/zyt-vbev-ira)

[Join by phone](#)

(US) +1 727-314-8534 PIN: 255 607 130#

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

**PUBLIC COMMENT:**

Supervisor Houghtling stated that there was no one attending via Google Meets and she had not received any emails regarding public comment. Supervisor Houghtling opened the floor to public comment.

**Joe Ogilvie** asked about the LVPA Budget, why do they need so many different accounts? They have two escrow accounts with \$50,000 and they have a \$30,000 contingent. So, I'm curious why they have so much cash?

**Supervisor Houghtling** stated, to clarify according to her understanding, after talking to both the town accountant and attorney, the LVPA is an organization that we contract with. We contract at an amount for services, so the amount that we are looking at contracting in for 2021 is \$148,210. Of which \$118,210 is for the operating expenses and \$30,000 is for capital to be split three ways between trucks, equipment and buildings. So as far as any escrow or bank accounts that they may hold, that is not something that the town is involved in telling them how they manage their assets or their accounts. The town simply contracts with them year to year for a set amount of what they feel fire services reasonably costs to provide for that year. She doesn't think it is the Town Board's place to question accounts that they have. Those types of things are not in the purview of the town board. They are an independent corporation that the town contracts with. Supervisor Houghtling gave an example of Chatham Rescue Squad. We contract with them for ambulance services at a set amount and we do not get the information from them that we obtain from the LVPA.

**Councilmember Newton** stated that regarding the \$30,000 in contingency that was

created two years ago, that was out of a concern of the board at that time, that if something large went down at the fire company, there would be some money as a buffer to either repair or try to replace it. By doing it this way, it left the control of the \$30,000 technically with the town.

**Joe Ogilvie** stated he wondered what amount is reasonable for the LVPA to have in terms of cash.

**Councilmember Newton** stated that he has spoken to some other fire companies and there are different ways that they do it. Our is a little unique because it's a protective association as opposed to a district and as an association, they usually keep quite a bit of cash for the purchase of trucks. They do not have the ability to bond out new vehicles. There is a lot of mandated upkeep with fire vehicles.

**Supervisor Houghtling** stated that the contingency account is something that the town retains control of. It is in the contract year to year, and it does define the parameters if they are to need to spend the contingency money.

**Joe Ogilvie** stated that in the town's relationship with the fire company, the only real control that the town has is signing the contract and the amount of money the towns gives them every year.

**Supervisor Houghtling** responded to Joe, yes. Year to year the town can decide if they are contracting with them or not. They can decide if they are contracting with the town or not. Whether they are providing adequate fire service and if the town does contract with them for that fire service, then what is the amount of money the town should contract to do so.

**Supervisor Houghtling** stated that there is a very similar relationship with the town and the LVPA and the Chatham Rescue Squad.

**Joe Ogilvie** asked if we ever request the 990 from the rescue service?

**Councilmember Newton** stated he didn't even know if they would give it to us.

**Supervisor Houghtling** stated that there is nothing in the contract with them that states they have to give us their 990.

**Joe Ogilvie** stated that it is a 501C3 and all of that information is public record.

**Supervisor Houghtling** stated that the town doesn't request it, there is nothing in the contract that states they have to file that with the town.

**Supervisor Houghtling** stated that before the meeting started Joe Ogilvie was asking about depreciation and the 990 and somehow depreciation of the air packs that were purchased through a grant, not through the town and how that depreciation value is somehow related to the budget.

**Supervisor Houghtling** had explained to Joe that depreciation on an IRS 990 form. Depreciation is a monthly expense allowed by accounting standards to reduce the value of a company's assets, this figure is a non-cash expense meaning the company is not actually spending cash, therefore depreciation does not fit anywhere into the cash budget. So, they are completely unrelated. They are similar because they are both fiscal items, but what they file in their 990 for depreciation has zero effect or relationship to what we as the town budget for them. Their budget request and what the town budgets for them is only based on what their expected expenses are for the year to operate their business.

**Councilmember Rasmussen** stated that sounds right to him.

**Joe Ogilvie** asked as the town looks at the LVPA's budget do you prepare the line items based on what they have used in the last two years?

**Councilmember Newton** responded to Joe that he and Councilmember Trainor worked on the budget with the LVPA and they used a spreadsheet and it is year by year.

**Joe Ogilvie** stated that \$9,000 seems like a lot for legal fees.

**Councilmember Newton** stated they have a lot to do that the town doesn't do.

**Supervisor Houghtling** stated that if you look at the 990, she imagines that probably costs close to \$1,000 just to file through your CPA.

**Eugenia Browning** responded that it cost \$2,000.

**Supervisor Houghtling** stated \$9,000 for legal and accounting is not unrealistic in her estimation.

**Joe Ogilvie** asked Supervisor Houghtling if she thought \$49,000 would be a lot? In 2014, the LVPA spent \$49,000 in legal.

**Eugenia Browning** answered Joe, that was because they had an attorney who traveled from Buffalo to New Lebanon and there were many meetings with him.

**Supervisor Houghtling** stated that she thinks that had a lot to do with the town, obviously if the town is having their attorney present, then the LVPA needed their attorney present.

**Supervisor Houghtling** stated that this year the LVPA started out at \$162,090 and came down \$13,880. The LVPA found some cost savings and reduced their budget request. In her estimation and experience she thinks the LVPA has been very reasonable knowing that the town is in a budget crunch.

**Joe Ogilvie** stated that it is interesting, they have a 2% fund which they get back from the insurance companies for having insurance locally and it turns out that money can be used

for a celebratory banquet. He thinks that they can use that money to buy turn out gear.

**Matt Larabee** stated that they have been having that banquet for the last twenty-five years. They just found out they could use they money for turn out gear.

**Joe Ogilvie** asked the LVPA what amount of money is in that 2% account?

**Eugenia Browning** stated probably between \$25,000 and \$30,000.

**Joe Ogilvie** stated just another savings.

**Supervisor Houghtling** stated that she wanted to acknowledge, having a husband there who is a volunteer for the LVPA, everybody there volunteers their time, nobody is paid and they put in countless hours, so if they want to spend some money on a banquet for their members or dinner out, she thinks that is very reasonable.

**Joe Ogilvie** stated that is what it is always spent on, it is just interesting that they can also use it for other things.

**Matt Larabee** stated they just found that out.

**Eugenia Browning** stated that there are guidelines of how you can spend your 2%, it has to be for all of the volunteers. It comes from foreign insurance companies, who are not in New York State.

**Joe Ogilvie** stated that is nice.

Supervisor Houghtling stated that she has not received any emails from anyone and asked if there was anyone else who would like to speak on the LVPA Contract.

**CLOSING OF PUBLIC HEARING:**

All persons desiring to be heard, having been heard, a motion was made by Supervisor Houghtling, seconded by Councilmember Newton and approved unanimously to close the public hearing at 6:48 p.m.

Respectfully submitted,

Marcie Robertson  
New Lebanon Town Clerk