

**MINUTES OF THE SPECIAL MEETING OF
THE TOWN BOARD OF THE TOWN OF NEW LEBANON
HELD ON MAY 20, 2022**

Present: Tistrya Houghtling, Supervisor
Marianna Anthonisen, Councilmember
(Online)
Britt Buckenroth, Councilmember (Online)
Deborah Gordon, Councilmember
John Trainor, Councilmember

Recording Secretary: Marsha “Marcie” Robertson, Town Clerk

Others Present: Christine Dreyfus, MOW
Jeannine Tonetti, ZBA
Members of the Public

CALL TO ORDER:

The meeting was called to order at 4:00pm by Supervisor Houghtling.

The meeting was held in person at the New Lebanon Town Hall, 14755 State Route 22 North, New Lebanon, NY 12125 and online via google meets with members of the public also being able to view the meeting at the following link:

https://townhallstreams.com/towns/new_lebanon_ny

BRIEF INTRO TO MEETING:

Supervisor Houghtling gave a brief summary for the reason they are having this special meeting. She stated, at their regular meeting last Tuesday, the Town Board motioned and approved to move forward on engineered plans for the slab for the wooden skatepark and to authorize Barton & Loguidice who is doing the engineered plans for the splash pad to do the slab as an add on or an addendum. Barton & Loguidice thought that the town would get more interested bidders and more for our money if the town does the two concrete projects together.

Supervisor Houghtling stated that Councilmember Buckenroth who voted yes at the regular meeting on May 10th sent an email to the Town Board on Monday, May 16th, 2022 that she had second thoughts and had some concerns.

Supervisor Houghtling stated that after the May 10th meeting the Town of New Lebanon entered into an agreement to spend \$7,000 and if they aren't moving forward with the slab, she doesn't want to spend \$7,000 of taxpayer money for a project that they don't intend on completing. She stated that they had four out of the five board members supporting the full

project at the May 10th meeting, one board member then emailed that her position had shifted. Supervisor Houghtling stated that she thought it was important to have a meeting to make sure that they have at least three board members that still want to proceed to the end of the concrete slab, otherwise they need to discuss getting out of the contract that they already entered into.

Supervisor Houghtling stated that she reached out to the engineer to find out if they will let the town out of the contract and if so, how much work have they already put into it that the town will be responsible for paying for. Supervisor Houghtling stated that she also emailed the prior and current Summer Camp Directors to get their opinions on the use of a concrete area to be used for various different games and activities. Currently the Summer Camp uses the tennis and basketball courts for those activities and they are not intended for that use.

Supervisor Houghtling read the following email from Councilmember Buckenroth:

Before moving forward on the skatepark I would like to share some of my concerns and would greatly welcome your feedback. I cannot support the current proposed skatepark plan using wooden ramps and concrete slab.

- I strongly feel that if we are going to have a skatepark in our town it should be the right kind of skatepark - solid concrete that will last for years and not need costly maintenance.*
- In the interest of keeping as much greenspace as possible in our park - pouring a concrete slab for a temporary skate park seems like an extremely costly and unnecessary expense. (Especially since we still do not know the cost of replacing the wood)*
- For this project to be successful I would like to propose creating a "Skatepark Advisory Group" - with members of the community who are invested in this project to focus on the logistics of raising the money and designing the park. Part of this group's responsibility could be how to repurpose or remove the donated ramps.*

*Thank you,
Britt*

Supervisor Houghtling read the following email response from prior Councilmember Newton:

The following is a list of materials that are required to fix the wooden skate park that was donated to the Town of New Lebanon;

*Ten sheets 1/2 CDX plywood 43.65 per sheet
Forty 2x4x8 SPF 10.90 each
One case 2 1/2 inch deck screws 149.99*

For a total of 1022.49 this is from a visual estimate only, it could run either way.

I also am willing to move and pack up the park and relocate it behind the pavilion.

Supervisor Houghtling read the following email that she sent to both the current and the prior Summer Camp Directors:

As new, incoming summer camp director I would love your input on the ideas below...

If we were to put in a concrete slab somewhere near the pavilion that was 50 feet by 84 feet to house the wooden skatepark ramps, when the ramps were no longer useful (maybe 3-5 years?), would that slab be an asset to summer camp? The slab would have the ability to insert basketball hoops as well as serve many other potential uses. Here are some of my visions:

I love the idea of having a second basketball court since our current court is one of the most utilized assets in our park and often kids are waiting to be able to use it. Also, when summer camp is going and the camp kids are using it, there are other kids from the public that come to play basketball and can't. My vision is for this second slab, once the skatepark is no longer on it, to become a multi-use court for the summer camp. It could have lines for 4 square, hopscotch, etc. (a huge asset that are some of the biggest games played at the elementary school on their concrete basketball court - this one only has one hoop and the rest is other games). It could also potentially be the ice-skating rink in the winter (even before this skatepark was found and obtained I was pushing for a concrete slab in the park for ice skating in the winter and these other uses in the summer - it has been a need of summer camp for quite some time).

Please let me know your thoughts on these ideas as well as any other ways this might be an asset to summer camp and our park and community in general.

Thank you! Tistrya

Supervisor Houghtling read the following email responses from the current and prior Summer Camp Directors:

Tistrya,

I really love that idea! I think it would definitely be used.

Thanks, Kristyn

and

Good afternoon,

While running the camp for the past 20 years there were many instances where a concrete slab would have been beneficial to the daily activities of the program.

On a daily basis there would be community members utilizing the basketball courts, limited the accessibility to the children at camp.

Some of the other benefits for the concrete slab would be: hockey, chalk, four square courts and bicycle and blade day.

The campers would play hockey and bike and blade and use chalk on the tennis courts and the basketball courts and this would cause concern for damage to the facilities.

The concrete slab could also be used for a stage for performing arts, and with an added canopy an extra shaded area and lunch area.

Thank you for your support time, Michelle Bienes

Supervisor Houghtling read the following email communication of questions and answers between her and Barton & Loguidice:

Q: 1) If we stop now, would B&L let us out of the contract we signed to pay \$7,000 for engineered plans for the skatepark slab?

A: 1) We can end our current contract for the skatepark slab. There may be some associated paperwork but we can coordinate that later as needed.

Q: 2) If you will let us out of the contract, how much time do you already have into the project and how much would the town owe you?

A: 2) We can review our time to see how much has been incurred to date and can add it into our current Splash Pad contract and close out the other one completely if that works for the Town. A supplement for extras may be required. Seems like it will be easier accounting wise. We can discuss this further.

Q: 3) How would we choose a location based on the master park plan? There are concerns that if we put a large concrete pad in somewhere before the park plan is finalized, it could be placed somewhere that interferes with another asset the community wants in the park. Since the bids won't be decided on for the splash pad until 6/14 and the master park plan survey will be done by 5/31 and we the board authorized the skatepark pad as an addendum or a change order to the splash pad contract, will there be sufficient time for you and the master park plan to guide the proper placement of the skatepark?

A: 3) I understand your concerns of siting the pad and possible future poured-in-place skatepark. I have attached a sketch – SP-1, indicating our recommendations for the location of the concrete pad as well as the future permanent skate park. As you can see, our proposed locations utilize space that is currently underused while respecting for and allowing large areas of open lawn area to be guided by the Master Plan input. The concrete pad can be situated near the pavilion which seems to work well with the Camp programming as well as keeping active uses in this general area. I have included a sketch (Addendum A) of a

basketball court proposed for another client that includes painted lines of many hard-court games as you mentioned.

And the future skatepark could be designed into the hillside adjacent to the tennis courts. We have designed a skatepark in a hillside before, as you can see on the attached sketch. This would allow the skatepark to be sited in a place that will most likely not conflict with another proposed use.

These are obviously just talking points now and we are prepared to discuss them with the Town at greater length as required.

See Addendum A

Q: 4) Concerns have been raised about the concrete slab once the wooden skatepark has reached its useful life. If the eventual plan is to do a full concrete skatepark that leaves two large concrete areas in the park. I loved your idea of having a second basketball court since our current court is one of the most utilized assets in our park and often kids are waiting to be able to use it. Also, when summer camp is going and the camp kids are using it, there are other kids from the public that come to play basketball and can't. My vision is for this second slab, once the skatepark is no longer on it, to become a multi-use court for the summer camp. It could have lines for 4 square, hopscotch, etc. (a huge asset that are some of the biggest games played at the elementary school on their concrete basketball court - this one only has one hoop and the rest is other games). It could also potentially be the ice-skating rink in the winter (even before this skatepark was found and obtained I was pushing for a concrete slab in the park for ice skating in the winter and these other uses in the summer - it has been a need of summer camp for quite some time). Could you speak to the feasibility of all of these ideas as well as if there has been any input on anything like this on the master park plan?

A: 4) *See above response #3.*

Q: 5) Since our meeting is 4pm Friday, if the TB takes no action and therefore continues on the path we are on, is it too late to still tell bidders that there is extra work coming through an addendum?

A: 5) *We could add in language immediately outlining the work of the concrete pad as we have general parameters in place.*

Q: 6) Anything else I should know regarding timing, etc.?

A: 6) *Nothing else at this time.*

Councilmember Trainor stated that they have been discussing this for some time now and he thinks they should follow what they decided on at the last meeting. He commented that

both the prior and current Summer Camp Directors think having a concrete slab for use after the life of the wooden skatepark has expired is a good idea and he likes Councilmember Buckenroth's idea of creating a Skatepark Advisory Committee. He thinks it should be done this summer and not prolonged for another winter.

Councilmember Buckenroth stated that she is not thrilled with the sketch from Barton & Loguidice on where to place these things. She understands for the board members that have been working on this for two years and want to get this moving forward. She stated that she is new to this and it doesn't seem like a smart plan to her. She stated that it is obvious that a concrete pad can be useful to camp but it doesn't mean that it is the best way to use this space. She feels like the engineers just whipped this up for the town because they needed it in a hurry. She doesn't like the location of the skatepark and she isn't sure that this is the kind of skatepark that they would even want, it is just tossed here and she stated that she does care about the green space and she feels like they need to discuss how much concrete they are putting into the park. She commented that one of the items on the Master Park Plan is installing a paved walking path in the park and that will be a lot of concrete. She stated that she is not comfortable moving forward with this plan for this slab. If they eventually put in a concrete skatepark, that would be two huge concrete things in a three-acre area. She would motion to put this on pause and get more results and information and really think about the placement and what they want in the park that will take away the green space. Councilmember Buckenroth stated that she doesn't agree that the wooden skatepark is safe and that it should be used at this point, she thinks the time that it has been outside makes her uncomfortable with the community riding on it safely.

Supervisor Houghtling responded that they had two different professional engineers review the condition and they both said that it is usable and safe.

Councilmember Buckenroth pointed out that one of the engineer companies will not put their name associated with that wooden skatepark, they just looked at it, she doesn't count that as an engineering report.

Supervisor Houghtling stated that they wanted \$3,500 to do a full evaluation and they didn't want to spend that, but the other engineer did put his name on it.

Councilmember Buckenroth responded that they said yes, it's okay with a lot of work.

Councilmember Anthonisen stated that in looking at the map she doesn't know if the concrete slabs are the best placement. She thinks it looks a little to close to the pavilion.

Supervisor Houghtling stated to clarify she did not ask them to map out the locations. She asked them if they are able to find a location while still waiting for the Master Park plan, she thinks they were just making a suggestion. She is also concerned about the noise and it

being too close to the pavilion. As far as the future skatepark, that location really hasn't been discussed.

Councilmember Anthonisen stated that with the Master Park Plan, they spent \$30,000 to see what will be best utilized in the park and the best locations. She stated that she thinks the repairs that need to be made will cost more than \$1,000. She said looking at the budget, what is the budget for the temporary skatepark and do they have that in their budget?

Supervisor Houghtling responded that until bids come back, she doesn't know the cost. When they just went out for the concrete materials only no labor, it was approximately \$30,000. Barton & Loguidice gave an estimate of about \$60,000 for materials and labor. Supervisor Houghtling stated that the money is not in the operating budget, they did not budget for the concrete pad. They do have the money in the fund balance that they want to put into different places and set up reserves. There is an excess in the fund balance that they want to bring down.

Councilmember Buckenroth stated that if that money exists, why aren't they putting the full splash pad in with all of the bells and whistles?

Supervisor Houghtling responded that it was never brought to the table that someone wanted to do a bigger splash pad.

Councilmember Anthonisen stated she is wondering about the price of the wood to replace all of the under pad. She stated that she knows the real gift is actually the surface of the skatepark but looking at all of the plywood underneath that looks pretty rotted. She thinks the estimate of \$1,000 that was given from prior Councilmember Newton might be an old cost, and wondered what his cost would be to replace the wood.

Supervisor Houghtling responded that the email was received on Tuesday, May 17th, 2022. So, it is a current estimate for ten sheets of plywood, forty 2 X 4s and a case of deck screws for about \$1,000 to replace the wood underneath that needs replacing.

Councilmember Gordon stated that one of the things that the Comprehensive Plan emphasizes over and over again is the rural nature of our community and the fact that people in the community want to keep it that way. She stated that the park is one of the few places going through town that you can see the beauty of the countryside here. The rest of the miracle mile is a sea of pavement. She stated that it strikes her that this skatepark and the concrete pad that will then be used for other purposes are gradually urbanizing our park. These are features that are normally found in urban areas where there is plenty of pavement. She stated that it is true that there are certain kinds of games that you can play on paved areas, although we do have a tennis and basketball courts and the pavilion that are all paved, four square can be drawn on any one of those surfaces. She stated that she is not necessarily against a skatepark, she agrees with Councilmember Buckenroth that she has questions about the safety of the wooden skatepark and she would

rather see them do it properly and take their time if they are going to put in a skatepark and also consider other possibilities for sighting the skatepark. Even to consider not sighting it in the park, she thinks it will stick out like a sore thumb in the park, there are plenty of other places in town like the school grounds to have it. She hopes that the Master Park Plan will consider or Councilmember Buckenroth's proposed committee will consider was to open the book wider and look at all of the possibilities that exist.

Councilmember Gordon state that it was interesting that they talked at length about putting up a new fence around the park and there was a lot of concern about the fence along Old Post Road and that there was a danger of kids running out into the road and the post and rail fence wasn't going to be adequate to stop them. So, they needed to have a wire fence put up just inside the post and rail fence to prevent that from happening. There was a great deal of concern about the safety of the children. She stated that a skatepark is inherently dangerous and it is interesting to her that there is so little concern for the safety of the people using that skatepark. She stated they decided not to pay to have a structural analysis done of the park, she commented "oh, we'll just put it back together, it'll be fine" and she thinks that is irresponsible.

Councilmember Gordon commented that the population for whom all this is being done is small in our town. The summer program eight weeks out of fifty-two weeks of the year and there are other residents in town who also use the park whose feelings on this subject have pretty much ignored. She thinks they as Town Board members are there to represent the entire population of the town not just the kids and she doesn't think they have been taking everyone in town into consideration.

A motion was made by Councilmember Buckenroth to stop the contract at this time for the concrete slab. The motion was seconded by Councilmember Gordon.

Roll Call Vote:

Councilmember Buckenroth -	Aye
Councilmember Gordon -	Aye
Supervisor Houghtling -	Nay
Councilmember Trainor -	Nay
Councilmember Anthonisen-	Nay

Supervisor Houghtling stated that the motion did NOT pass. She asked if there were any other motions that any board members would like to make?

Councilmember Buckenroth thanked everyone for their time on this. She really struggled with it and hates wasting people's time but she appreciates everybody taking their time to think this through.

Councilmember Anthonisen stated that she really wanted to second what Councilmember Buckenroth said because she is thinking about this thoroughly and this park and the

community are important to her. She is glad that Councilmember Buckenroth brought this back up because she wants to make this park accessible for everybody, not just kids. She stated that she also wants the walking path that is accessible for everybody. She stated that she wants more for the park, she wants it all and she wants to figure out a way to make it happen.

Councilmember Anthonisen stated that she thought the vote from Tuesday's meeting was rushed and she is not comfortable with this vote either. She stated that she really wants for the future to not piece things together like this without following through with our Master Plan, yet she does want a place that kids can do something when people are hanging out by the pavilion. She stated that this was a rough one and she sees both sides and she appreciates Councilmember Buckenroth for bringing it up.

Supervisor Houghtling stated that she appreciates Councilmember Buckenroth emailing, she reached out right away when she received her email, they just voted on this Tuesday, Councilmember Buckenroth voted "yes" that has shifted and she knew she talked about being on the fence and being a people pleaser, so Supervisor Houghtling stated that she was glad that they took the time to have a deeper conversation and get some of the information that they didn't have. Supervisor Houghtling stated to be clear, since Councilmember Buckenroth's motion did not pass they are moving forward with the contract with Barton & Loguidice and doing this as an add-on to the splash pad and those bids will be in front of the board at the June meeting.

Councilmember Trainor thanked Councilmembers Buckenroth, Anthonisen and Gordon and stated that he thinks the comments today were wonderful and he thinks though that we are in a process where they are making progress gradually. He is quite satisfied with going along the way it is and he thinks the park looks great. He stated in connection with Councilmember Gordon's comment on urbanization, he thinks if the trees for tribbs that are planted along 22 start growing, they are going to have what he thinks she was talking about, a nice rural look beyond which you see the mountains. He stated that the little league field is sort of urbanization to him, but it is very attractive place and the park itself is extremely well kept.

Supervisor Houghtling stated to clarify because a few town board members discussed location. She stated that part of Barton & Loguidice's job with the design of the slab and when they accept bids at the June meeting, they do have time as a board at the June meeting to decide exactly where the location is going. She will let B&L know that they don't love what they proposed here for this meeting and could they offer three different options where all three of the options wouldn't impede on what they are seeing with the Master Park Plan survey and then they have multiple options in front of them, all with the contingency that they don't impede on some of the other things that they are looking to do through the Master Park Plan. A location has not been decided yet, she will ask them to come to the June meeting with more ideas on location.

Councilmember Buckenroth asked if there needs to be a motion to start the Skatepark Advisory Committee because she wants to get started as soon as possible.

Supervisor Houghtling responded that as Supervisor, she creates committees. She is happy to create the committee and make Councilmember Buckenroth Chair of that committee. She asked if Councilmember Buckenroth has other people in the community that would want to be on the committee.

Councilmember Buckenroth responded that she was going to reach out to the community members that have shown interest.

Supervisor Houghtling stated that she is interested in being on the committee and has a few other people who are as well. She suggested officially creating the committee at the June meeting and between now and then they can get names of people who want to participate because when you create a committee you name the members who will be on it.

PUBLIC DISCUSSION:

There were a few members of the public in attendance for this Special Meeting and they wanted the opportunity to speak. Supervisor Houghtling explained that there isn't usually a Privilege of The Floor at Special Meetings, but gave them the opportunity to be heard.

Member of the Public: asked what they spent \$30,000 for on the survey of the park when they can't decide on where to put the skatepark location. What did the town get for their \$30,000?

Supervisor Houghtling responded that the Master Park Plan is a guiding document for the next ten to twenty years for Town Boards to decide on future investments in the park. The park plan guides the decisions of the board as far as what they are going to invest in for the future of the park.

Christine Dreyfus: Commented to Supervisor Houghtling, in relation to the comments made about the Master Park Plan, it seems to her, which is the cart and which is the horse. Somehow, they are saying to the park people, can you maybe move it around a little bit. Whose Park is it and where is the impetus coming from? The park planners or the Town Board?

Supervisor Houghtling responded that the skatepark and the splash pad were two projects that have been worked on for a while, so the Master Park Plan came in after those projects were already in process. As for the splash pad, we currently have a splash pad that is not working and it is an asset that the kids rely on in the summertime, so they worked with them on a location for that, similar to the skatepark. The survey is ending May 31st, they have quite a few responses, over 200. The question is, can you define a location that is not going to interfere with any of the future assets that the community has

said that they want for this planning document. So, for the splash pad, they are actually coming on the other side, where often the parking is. She stated, eventually if the playground gets re-done it could come on this side too and that could become parking. Parking in the park is one of the things that has been discussed. She stated with the splash pad and the skatepark, it is more where do these fit in that's not going to interfere with the larger vision.

Jeannine Tonetti: Commented that it sounds like they could have done the park plan themselves. It seems to her that all of this money is going out of town when they could do this themselves. They have all of these ideas and things they wanted to do and yet they are telling them how we want it; we could have done it ourselves.

Supervisor Houghtling responded that part of the Master Park Plan is having the ability to apply for more grant funding. Part of the Master Park Plan is a grant application at the end. The \$30,000 includes a \$5,000 grant. It is \$25,000 for the plan and \$5,000 for the grant application.

Jeannine Tonetti: Commented that she keeps on seeing money on top of money, she does not see anything clear.

Supervisor Houghtling responded to clarify, you cannot do a grant application for parks and rec without a Master Park Plan. So, if the town wanted grant funding for a new playground or a walking trail or anything in the park, we can't create it ourselves, you have to have an engineered, professional Master Park Plan.

Jeannine Tonetti: Commented there is just a lot of money going out and it's all sort of temporary and changing. If you are going to get the slab and eventually make a concrete skatepark then you won't have a slab for the kids to use for whatever these games are. She stated it is not at all clearly thought out and we are just wasting money. They should have done a committee to investigate how to put in a real good concrete skatepark instead of this one. It doesn't make sense, she stated you are so focused on planning, but you are not planning, it's confusing to her, just money going out. You could cut your losses right now with the skatepark and gone and done a study for putting in a real good skatepark somewhere else, instead you are doing this one thing after another.

Marilyn Murray: asked if they said all of the surveys aren't in yet? The one that was sent out for priorities of what to spend the money on.

Supervisor Houghtling responded that is the ARPA survey. There are two different surveys and May 31st is the deadline for the two surveys. She stated that they won't spend ARPA funds on this project unless it polls well. She stated that the question isn't are we doing a skatepark or not, it is do you want us to spend ARPA funds on that project.

Marilyn Murray: commented in other words, you are going to go ahead with the skatepark even if people don't want to spend the ARPA funds on it.

Supervisor Houghtling responded if they don't feel it is a good use of ARPA funds, the town will use its own money.

Diane Kline: asked if the wood skatepark was initially inside?

Supervisor Houghtling responded that it was an indoor skatepark built with outdoor skate lite. When a community member shared a Facebook post that the Ghent Skate Factory was getting rid of it for free, Supervisor Houghtling called and they told her it is outdoor skate lite, it is made out of materials to be outside.

Diane Kline: commented that the plywood that holds the skate lite stuff is not finished.

Supervisor Houghtling responded part of the problem is that it was cut up exposing some of the plywood. Once it is put back together that plywood and 2 X 4's won't be exposed to the weather. That is why we need to spend the estimated \$1,000 to replace some of that exposed plywood. Any plywood exposed to weather will be stained to protect it.

Diane Kline: commented she looked at the one in Pittsfield and believe they have already had a lawsuit, she heard. She asked if they have looked at other skateparks around? This one looks huge, the liability, what does it do to insurance?

Supervisor Houghtling responded that it does nothing. She reached out to our insurance, one of the first things she did even before going to get it. They told her we have the highest insurance we can have and as long as there are skate at your own risk signage, there is no increase to our insurance. She stated that they even asked if volunteers and not professionals put it back together will it still be covered and they said yes, that is fine.

Diane Kline: commented that lots of things are free but they are not necessarily a good idea. Because you got this for free and you are going to spend money maintaining it, checking on it on a fairly regular basis because it is wood and it is outside, maybe you should look at a more conservative and something better for younger kids, this is for big kids, this is a serious thing. She suggested a community bonfire and cut your losses and let it go. This is bigger than any around that she has seen and she thinks it is a danger. It seems like money being wasted when maybe initially you could just cut your losses and do a nice useable something that even the younger kids could use too with scooters and things like that.

Supervisor Houghtling thanked them and asked if anyone else from the public had anything to say. No one else spoke.

ADJOURNMENT:

TOWN BOARD MINUTES

Special Meeting

May 20, 2022

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A motion was made by Supervisor Houghtling, to adjourn the meeting at 4:52pm. The motion was seconded by Councilmember Trainor.

Roll Call Vote:

Councilmember Buckenroth -	Aye
Councilmember Gordon -	Aye
Supervisor Houghtling -	Aye
Councilmember Trainor -	Aye
Councilmember Anthonisen-	Aye

Respectfully submitted,

Marcie Robertson
New Lebanon Town Clerk