

**MINUTES OF THE PUBLIC HEARING OF
THE TOWN BOARD OF THE TOWN OF NEW LEBANON
ON THE LEBANON VALLEY PROTECTIVE ASSOCIATION AGREEMENT FOR 2024
HELD ON NOVEMBER 9, 2023**

Present: Tistrya Houghtling Supervisor
Deborah Gordon, Councilmember
Norman Rasmussen, Councilmember
Susan Tipograph, Councilmember

Absent: John Trainor, Councilmember

Recording Secretary: Marsha “Marcie” Robertson, Town Clerk

Others Present: Ed Godfroy, LVPA
Steve Houghtling, LVPA
Steve Powers, CAC & ZRC Member & CSC Chair
Peter Flierl, The Columbia Paper
Members of the Public

CALL TO ORDER:

Supervisor Houghtling called the Public Hearing to order at 7:40pm.

Supervisor Houghtling stated her husband is the Fire Chief and recused herself and left the room. Supervisor Houghtling turned the Public Hearing over to Deputy Supervisor Rasmussen.

PUBLIC HEARING NOTICE:

A motion was made by Councilmember Tipograph, seconded by Councilmember Gordon, and approved unanimously to waive the reading of the Public Hearing Notice and ask the Town Clerk to enter it into the minutes.

Councilmember Tipograph waived the reading of the Public Hearing notice and asked Town Clerk Robertson to enter into the minutes:

**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 2024 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 2024 calendar year, inclusive of the use of apparatus and equipment necessary therefor, for the sum of \$228,302.00 of which \$123,302.00 is for operating and \$105,000.00 is for capital reserve. The \$228,302.00 will be payable in equal quarterly installments of \$57,075.50 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.

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 2024 calendar year will be held on the 9th day of November 2023, at 7:30p.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 in person at the New Lebanon Town Hall, 14755 State Route 22, New Lebanon, NY, 12125 with members of the public also being able to view the meeting at the following link: https://townhallstreams.com/towns/new_lebanon_ny

You may also still submit comments regarding the contract between the Town of New Lebanon and the Fire Protection Agreement with the Lebanon Valley Protective Association, Inc., (the “LVPA”) to: supervisor@townofnewlebanon.com and they will be included in the record.

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

Marcie Robertson
Town Clerk
10/30/2023

PUBLIC COMMENT:

Councilmember Rasmussen opened the floor to public comment.

Peter Watson: Peter addressed the Town Board. He and his wife live in the Gilbert House across the street from the Fire Station on Route 20, facing the building. He is here to talk about the out of compliance lighting at the new fire station. He stated, the primary issue are the three fixtures over the doors, which he has learned are three times brighter than what was approved. They are rated at 17,000 lumens, rather than 5,000 which was approved. They are blazing all night rather than being turned off at 10:00pm as per the decision document. Peter stated, the second issue is the electric sign. The sign not in the site plan and was approved after the fact by the ZBA, basically without any rules of what was

appropriate in terms of the lighting level, hours of operation, kinds of signage, and the color waves. Peter stated, we have never had a sign like this, it is new territory.

Peter reported, he has spent the last couple of months trying to get some enforcement around this issue, starting with the Supervisor, the ZEO, the Planning Board, and the Town Board to no avail. Peter stated, there have been informal requests to the LVPA to turn down the lights or turn them off as a show of good faith, really nothing has happened. Peter stated, here we are at the budget, the budget is an enforcement lever by default. Peter is requesting again, and asking the Town Board to take leadership on this issue and to make and pass a resolution that requires the LVPA to correct the lighting violations prior to signing the contract. Peter stated, that seems like the only option to get them to do anything.

Peter stated, it seems completely unreasonable for a town service provider to be actively violating town law by thumbing their nose at town institutions and we are using taxpayer money to pay them. Peter stated, this is not about the service, this is about playing by the rules. Peter asked the Town Board to consider this seriously.

Councilmember Rasmussen, responded, as the supervisor said a couple of public hearings ago, theoretically the board is there to listen, but this is an ongoing issue that he is familiar with. Councilmember Rasmussen stated, he is one of the unnamed town officials that Mr. Watson has been corresponding with. Rasmussen commented, he wants to ensure Peter that they have been taking him seriously, things do not go as fast as one would like because there are several people involved. Councilmember Rasmussen reported, he saw a video tonight of changes that were made at the fire station and he thinks they comply. Councilmember Rasmussen offered to meet Peter Watson tomorrow night at 7:30pm at his house. Councilmember Rasmussen stated, the actual approval of the contract is not expected until next Tuesday at the monthly town meeting. If there are any serious issues when they meet tomorrow night, then they have time to see how and if they can be resolved. Councilmember Rasmussen will meet Peter Watson at his house at 7:30pm the following night to see that they have a common understanding.

Ed Godfroy: Ed stated, they were notified that they were not in compliance with a ruling from the Planning Board. The LVPA met with the ZEO, and the ZEO arranged for a meeting with the town engineer and Councilmember Rasmussen at the fire station. They discussed everything and they were there for the lighting situation and they all looked back at the plans with the Planning Board and they have been made aware, the lights they approved on the plot plan are no longer available and are not dark sky compliant, which is what they enforced in their Planning Board document. The lights that are there now are dark sky compliant. The LVPA has had the electrician come in and he has made changes, they now follow the exact guidelines that were put out by the Planning Board in their document for the LVPA to get a building permit. Ed stated, the town is more than welcome to come down with Mr. Watson and view the changes that have been made.

Ed commented, as for the sign light out front, according to the Zoning Board, the Planning Board new that the LVPA was going to have a sign out front. That has never changed, it is still on the plans, the location never changed. The LVPA had to come to the Planning Board

because they were changing the design of the sign, it was not going to be a wooden poster board with stick-on letters. The LVPA came to the Planning Board, the sign that they had designed is under the code requirement for the Town of New Lebanon. It is not even listed on their requirement because it is smaller than the ZBA has allowed for signs, and the lighting on it dims at night. The sign has an automatic dimmer and there is a time clock on it. Ed stated, the LVPA is discussing with the manufacturer to see if they can change the time clock so the lights can dim earlier. Ed stated, the LVPA is trying to comply, the sign is in total compliance with the Zoning Board regulations that they set forth. It is not animated and the messages stay on for over an hour.

Councilmember Gordon asked, what dark sky compliant is?

Ed Godfroy answered, the light does not shine up in the sky, all lighting goes down on the ground and they do not go out to the road. They do not extend past the fifty feet to the building to the highway.

Councilmember Gordon asked, is Mr. Watson correct that the brightness levels of the lights they have are significantly greater than what the Planning Board approved?

Ed Godfroy answered, yes, because the lights that the Planning Board approved are no longer available. The Planning Board specified a light. The light specified is no longer available and is not compliant with what the said the LVPA had to do. The Planning Board was asking the LVPA to put in a light that was not compliant with their rule. The LVPA put in a light, never made aware of specific lumen numbers. They were made aware that the light they specified was no longer available, so the LVPA had the electrician put in dark sky compliant, that the town engineer has confirmed. Ed stated, they were never notified or told by the Planning Board they had to have specific lumens on a light, once the light they demanded was no longer available.

Steve Houghtling: Steve stated, what was put on the plan was for residential buildings, not for commercial buildings. It states that in the engineer's report. A commercial building is allowed to have a brighter light than a residential.

Ed Godfroy: Ed stated, they made the wrong recommendation in their documentation between the Planning Board and the Fire Company. They asked for a residential light on a commercial building and the light is no longer available and was not compliant to their request.

Peter Watson: Peter commented, it is his understanding that the parcel is zoned RA1, so it is residential and in a residential neighborhood. Even if it is a commercial building type, the zoning is still residential.

Councilmember Rasmussen responded; he does not know the answer to that. Cissy is the enforcement officer and he will follow up with her in the morning.

Ed Godfroy: Ed stated, the zoning issue was in a RA1 you are only allowed a certain amount

of square footage on a building. The LVPA building measured more than the allowed square footage and they had to go before the Zoning Board for a variance change to allow the building, which was granted.

Peter Watson: Peter commented, since he and his wife face the building, he can see what looks like three high beams. He can see the lights clearly through all his front facing windows.

Councilmember Tipograph commented, she has never dealt with zoning issues and is curious that if you are given a permit that requires something that is no longer available would not you be required to get a new permit. She also wants to accompany Councilmember Rasmussen tomorrow night to meet with Mr. Watson.

Councilmember Rasmussen commented, the LVPA has not been thumbing their nose at the town. From the first time that he engaged with Ed and Steve on the issue, they have been clear they want to get to a resolution that works. They are also working hard to be a good neighbor.

Supervisor Houghtling came back into the meeting for adjournment at 8:02pm.

CLOSING OF PUBLIC HEARING:

All persons desiring to be heard, having been heard, no emails to be read into the record, a motion was made by Councilmember Rasmussen to close the Public Hearing and adjourn the meeting at 8:03pm. The motion was seconded by Councilmember Gordon.

Roll Call Vote:

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|---------------------------|--------|
| Councilmember Rasmussen - | Aye |
| Councilmember Gordon - | Aye |
| Supervisor Houghtling - | Aye |
| Councilmember Trainor - | Absent |
| Councilmember Tipograph- | Aye |

Respectfully submitted,

Marcie Robertson
New Lebanon Town Clerk