

**MINUTES OF THE BUDGET WORKSHOP / SPECIAL MEETING OF
THE TOWN BOARD OF THE TOWN OF NEW LEBANON
HELD ON OCTOBER 17, 2024**

- Present:** Tistrya Houghtling, Supervisor
Elizabeth Kroboth, Councilmember
Steve Powers, Councilmember
Craig Skerkis, Councilmember
Susan Tipograph, Councilmember
- Recording Secretary:** Marsha “Marcie” Robertson, Town Clerk
- Others Present:** Sharon Powers, IT Website Support, QOL & ZBA Member
Joanne Amlaw, Recreation Commission
Peter McCagg, Highway Superintendent
Ed Godfroy, NL Rep to Emergency Mgmt. & LVPA
Steve Houghtling, LVPA
Paul McCreary, Engineer
Members of the Public

CALL TO ORDER:

The meeting was called to order at 6:01PM by Supervisor Houghtling.

PARK GAZEBO QUOTE:

Supervisor Houghtling reported, at the October meeting the board approved the bid for the gazebo from The Shedman in the amount of \$12,620 plus a \$900 addition for benches for a total of \$13,520. The board has asked them to remove a section of the railing which decreases the price by \$113, but also to add the permanent skids which is something that both our engineer and The Shedman producer recommended for an additional cost of \$213, for a total increase of \$100.

A motion was made by Supervisor Houghtling to authorize an amendment to the price of the gazebo increasing it from \$13,520 to \$13,620. The motion was seconded by Councilmember Tipograph.

Roll Call Vote:

Councilmember Powers -	Aye
Councilmember Kroboth -	Aye
Supervisor Houghtling -	Aye
Councilmember Tipograph -	Aye
Councilmember Skerkis -	Aye

DUE DILIGENCE – PROPOSED PURCHASE OF 523 US ROUTE 20:

Supervisor Houghtling reported, she created a document and provided it to the board and the public, a summary of the due diligence results for 523 US Route 20. She stated, there were many steps that the town was recommended to take, some required by law, some recommendations by our engineer and others. All of the results are in and she prepared a summary and went over the details of the summary.

Summary of Due Diligence Results for 523 US Route 20 – Prepared by Supervisor Houghtling:

- 1) Water Test Results – water quality analysis performed with acceptable results – engineer emailed that there is no definitive reason for filtration based on the results – DOH emailed that it does not need to be a public water supply based on current and proposed future uses – no action needed
- 2) Title Search – came back clean – no action needed
- 3) Appraisal – came in at \$400,000 – no action needed
- 4) Lead Survey – lead-based paint was found in the exterior orange walls – the Town had obtained 2 quotes to consider painting the exterior of the building after purchasing the building – the company with the lower quote emailed that all of their processes are EPA certified when necessary and they recommend encapsulating all the orange areas, sealing the surfaces completely which is needed and acceptable and they would use an oil based sealer to pass testing and ensure the lead has been remediated – the cost estimate provided to the Town before we knew there was lead paint would not increase to add this remediation – action needed at no cost increase to the Town from the action already being considered of painting the exterior of the building
- 5) Asbestos Survey – asbestos was found in floor tiles, garage door caulk, window caulk on brown windows, covebase mastic and sink insulation – Alpine Environmental Services (who did the asbestos survey) emailed that you only need to remove asbestos that is within your path of construction and if no construction is planned, no action needs to be taken – if the Town should do construction and/or renovation in the future, the estimate to remove all asbestos, including monitoring by Alpine which is required, is \$35,000 and the process should take about 1 month from date of award to an abatement contractor – Paul McCreary, Town Engineer, emailed a summary of the asbestos report and stated that the testing results obtained are in line with a building of this age and nothing in these reports presents an issue that need to be dealt with immediately and these are more considerations for future plans/actions that may disturb the materials that are considered hazardous – Paul will be at the meeting to answer any questions Town Board members may have about this report – no action needed at this time

Summary: All due diligence steps that are required as well as all due diligence steps that were recommended by the Attorney and/or the Engineer have been completed. Nothing in any of the reports require action of the Town Board at this time. Future action may be needed if the Town plans construction or renovation of the building in the future. All professionals consulted have opined that the Town can move forward with the purchase of the building if the Town Board so wishes.

The Town Board held discussion and Ed Godfroy participated.

PRIVILEGE OF THE FLOOR:

Kevin Smith: Kevin spoke of concerns with the old LVPA building and had questions

for the engineer.

Kevin mentioned the cemetery's need for more money this year due to storm damage.

Kevin mentioned that he did not see anything in the budget for roof repairs at the pavilion. He commented that if the board is decreasing everything, why are we increasing Music in the Park.

Kevin stated, the Town Clerk's office does a wonderful job and the work load has increased and he advocated for a raise in that department.

Kevin commented the Supervisor stated to him, the splash pad money was going to the purchase of the old LVPA building but it is still a line item in the 2025 budget.

Kevin commented on the excessive surplus and referenced the maximum allowed by the Comptroller is four months of spending and asked why no reduction was given.

Paul McCreary, Engineer: Paul responded to Kevin's concerns regarding the encapsulating of the asbestos exposure areas in the old LVPA building. Paul stated that it would be safe to cover the asbestos but of course there are risks but they are minor, it is a standard practice of what is done in the industry.

Supervisor Houghtling: Tistrya responded to Kevin's questions. She stated the Town Board decided at the last regular meeting to give the Town Clerk a raise as well as the Deputy Town Clerk. The pavilion roof, the materials have been purchased and she handed the project off to Councilmember Skerkis earlier in the year, and he is working on that as the park liaison. Supervisor Houghtling addressed the splash pad money, that money is already included in the fund balance, the \$900,000 figure she gave Kevin includes the splash pad. The splash pad money was raised in a prior budget, when it was not used it went into the fund balance. She stated, they are not using the splash pad money to buy the old LVPA building, they are using fund balance to buy the building. Her point was the \$300,000 they thought they were spending on the splash pad is now in the fund balance so they are taking \$375,000 from there.

David McGinness: David commented, he wanted to thank the board, realizing there are different opinions on the Community Center and he thanked the LVPA for all they have done for the community and for allowing the community the use of the building for all of these years. He thanked the LVPA for giving the town the discount of \$25,000 to purchase the building. He stated, these our neighbors, the people who volunteer in the town, stop quibbling and be neighbors. The Community Center under the new leadership, has been thriving. The numbers of people coming to the center have increased dramatically. David mentioned the potential for rental income by renting the Community Center and even increasing the hours it is open. David thanked the board for not increasing taxes during Supervisor Houghtling's term.

Irene Hannah: Irene commented that she feels that this is an experiment with the Community Center and buying the building. She stated, the old LVPA building has always been the center of the community and it would be nice if it could continue to be.

She thinks it is an important message of the young people that the town is trying to do something for them in addition to the schooling and their activities. Irene commented that she is aware that there is some risk, but in the end it is a piece of real estate and if the Community Center does not succeed, the town could always sell the building.

Joanne Amlaw: Joanne asked if the Community Center will be run on all volunteers or will there be someone on a salary or hourly basis.

Supervisor Houghtling: Tistrya responded, there is a paid Community Center Coordinator, Alissa Ross was recently hired to the position. She stated, in the proposed 2025 budget it is increased to 15 hours a week.

Joanne Amlaw: Joanne mentioned the reports of a mice infestation in the kitchen area of the old LVPA building, and is that going to be addressed.

Supervisor Houghtling: Tistrya responded, in the budget for 2025, starting in January is a monthly payment to Orkin for services at the old LVPA building.

Peter McCagg: Peter stated, he is very pro fire company. He stated, he was for the Community Center because he thinks it is a piece of property and the town won't lose out. Peter stated, with the recent findings he is a little concerned. He feels that the estimated \$35,000 to address the asbestos concerns is under estimating. Peter questioned the amount budgeted for the contractual expenses for the Community Center and why they went down in the proposed 2025 budget.

Supervisor Houghtling: Tistrya responded, that she would look into it and get back to him.

Peter McCagg: Peter commented, on the procedure of mitigating the asbestos exposure in the old LVPA building and how does it compare to the practice that is used in schools.

Supervisor Houghtling: Tistrya responded, she did research on the EPA website and there is asbestos in many schools throughout the United States and their best practice according to the EPA, is every three years you need to inspect the condition of the asbestos containing materials and if they are not crumbling or falling apart.

Paul McCreary, Engineer: Paul responded to Peter that the school system in New York State has different rules than what the rest of New York State uses. He stated, he is not certain, but believes the schools have the practice to remove it all.

Peter McCagg: Peter commented, this is the place where our children will be playing. If it is not good enough for the schools to cover it up, why is it good enough for the Town of New Lebanon to cover it up?

Paul McCreary, Engineer: Paul replied, that is a standard practice for ACM Tiling. He believes schools have different guidelines, but not positive.

Supervisor Houghtling: Tistrya replied, when she went to the EPA website, which does not necessarily mean New York State rules because EPA is Federal, she specifically looked at asbestos in schools. It stated, what the EPA requires is an inspection every three years for the condition of the material and if the material starts deteriorating then it needs to be addressed.

Paul McCreary, Engineer: Paul commented, the only asbestos that is friable in the building is some pipe insulation under the kitchen sink, 4 square feet. Samples of wallboard and tiles were taken by the inspectors.

There are no emails for Privilege of the Floor.

SEQRA:

A motion was made by Supervisor Houghtling to classify the Town's acquisition of the LVPA property, located at 523 US Route 20 as a Type II action under the State Environmental Quality Review Act. The motion was seconded by Councilmember Powers.

Roll Call Vote:

Councilmember Powers -	Aye
Councilmember Kroboth -	Aye
Supervisor Houghtling -	Aye
Councilmember Tipograph -	Aye
Councilmember Skerkis -	Nay

RESOLUTION AUTHORIZING THE ACQUISITION OF REAL PROPERTY:

**TOWN OF NEW LEBANON
RESOLUTION #21, 2024
AUTHORIZING THE ACQUISITION OF REAL PROPERTY
OCTOBER 17, 2024**

At a duly called and noticed meeting of the New Lebanon Town Board, held on the 17th day of October, 2024, the following Resolution was proposed and seconded:

Resolution by Councilmember Tipograph
Seconded by Councilmember Powers
AUTHORIZING THE ACQUISITION OF REAL PROPERTY

WHEREAS, Lebanon Valley Protective Association, Inc. (hereinafter, the “LVPA”) is the current fee owner of real property and improvements located 523 US Route 20, New Lebanon, New York and designated as Tax Map No. Parcel No. 19.2-1-56 (hereinafter, the “Property”); and

WHEREAS, pursuant to agreement with the LVPA, the Town of New Lebanon has been permitted to use, and has used, a portion of the building located on the Property since September 2023 as a community center; and

WHEREAS, the LVPA has constructed a new firehouse at another property and has determined to sell the Property; and

WHEREAS, the LVPA has offered to sell the Property to the Town for the purchase price of \$375,000; and

WHEREAS, the Town Board previously authorized the Town Supervisor to enter into a Purchase and Sale Agreement with the LVPA for the purchase of the Property by the Town for the price of \$375,000; and

WHEREAS, said Agreement was contingent upon the Town receiving a written opinion of value from a qualified appraiser demonstrating that the purchase price for the Property is not in excess of the fair market value of the Property; and

WHEREAS, said Agreement was contingent upon completion of a due diligence period during which the Town could conduct appropriate investigations and evaluations of the Property; and

WHEREAS, the Town has engaged an appraiser to ascertain the fair market value of the Property and has been provided a report that establishes the fair market value of the Property at \$400,000; and

WHEREAS, the Town has undertaken due diligence on the property that it deems necessary, including a structural inspection, water testing, and an asbestos/lead survey; and

WHEREAS, the Town has received the results of such due diligence and has determined that it is in the best interests of the Town to move forward with acquisition of the Property; and

WHEREAS, the Town Board intends to use surplus funds from unallocated fund balance to finance the purchase of the Property and to use the Property for town purposes, including but not limited to as a community center;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The Town Board of the Town of New Lebanon hereby approves and directs the following budget amendment in the 2024 final budget:

<u>Change</u>	<u>Fund/Line</u>	<u>Description of Fund/Line</u>	<u>Amount</u>
Decrease	A003917	Fund Balance	(\$375,000.00)
Increase	A1940.2	Buildings – Equipment and Capital Outlay	\$375,000.00

- The Town Board hereby authorizes and directs the Town Supervisor to consummate the acquisition of the Property pursuant to the Purchase and Sale Agreement, to use surplus funds as transferred in this Resolution from unallocated fund balance to finance the acquisition of the Property, and to execute, deliver, and file all instruments or documents as may be reasonably necessary to effectuate the purposes of this Resolution.

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

Roll Call Vote:

Councilmember Steve Powers	Aye
Councilmember Elizabeth Kroboth	Nay
Supervisor Tistrya Houghtling	Aye
Councilmember Susan Tipograph	Aye
Councilmember Craig Skerkis	Nay

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.

Dated: October 17th, 2024
Marcie Robertson
New Lebanon Town Clerk

BUDGET WORKSHOP:

Highway Budget:

The Town Board and the Highway Superintendent held discussion.

The following changes were made:

Highway General:

Page 8 – Supt. Of Highways – Personal Services – Clerk - A-5010.11 -from \$13,494 to \$15,600

Salaries:

Page 1 – Salaries – Highway Clerk – 5010.11 –from \$13,494 to \$15,600

Page 2 – Salaries – Hourly – Highway Clerk – from \$17.30 to \$20.00

The Town Board and the Highway Superintendent held discussion.

The following changes were made:

Highway Fund:

Page 2 – Machinery – Contractual Expense – DA-5130.4 – from \$95,000 to \$165,000

General Revenue:

Page 2 – Interest and Earnings – A-2401 – from \$75,000 to \$42,068

Highway Revenue:

Page 1 – Interest and Earnings – DA-2401 – from \$750 to \$17,182

The Town Board and the Highway Superintendent held discussion.

Summary of 2025 Town Budget:

Page 1 – A – Total General Unexpended Balance – from \$300,000 to \$335,000

Page 1 – DA – Highway Unexpended Balance – from \$0 to \$35,000

The board and Sharon Powers held some discussion on the Text My Gov proposal and getting other quotes.

ADJOURNMENT:

A motion was made by Supervisor Houghtling to adjourn the budget workshop/special meeting at 7:35pm. The motion was seconded by Councilmember Powers.

Roll Call Vote:

Councilmember Powers -	Aye
Councilmember Kroboth -	Aye
Supervisor Houghtling -	Aye
Councilmember Tipograph -	Aye
Councilmember Skerkis -	Aye

Respectfully submitted,

Marcie Robertson
New Lebanon Town Clerk