

**MINUTES OF THE PUBLIC HEARING OF  
THE NEW LEBANON TOWN BOARD  
ON THE SIDEWALK PROJECT  
HELD ON AUGUST 11, 2016**

**Present:** Colleen Teal, Supervisor  
Dan Evans, Councilmember  
Chuck Geraldi, Councilmember  
Kevin Smith Sr., Councilmember  
Mark Baumli, Councilmember

**Recording Secretary:** Tistrya Houghtling, Town Clerk

**Others Present:** Stephanie Ferradino, Attorney for the Town  
Several members of the public

**CALL TO ORDER:**

Supervisor Teal called the public hearing to order at 7:04 p.m.

**PROOF OF PUBLICATION AND POSTING:**

Town Clerk Houghtling read aloud the public notice as follows:

**PUBLIC HEARING  
NEW LEBANON TOWN BOARD  
SIDEWALK PROJECT**

NOTICE IS HEREBY GIVEN that the New Lebanon Town Board will hold two public hearings on the Sidewalk Project on Monday, August 8<sup>th</sup> and Thursday, August 11<sup>th</sup> at the New Lebanon Jr/Sr High School at 14665 NY-22, New Lebanon, NY 12125 at 7:00 p.m. The discussion item for community input pertains to the Town Board's decision whether to discontinue the project and repay the federal funding received for planning costs and possible reimbursement to the state or to downsize the scope of the project and proceed through the planning process and acquisition of one right of way/easement and thereby establish a period of time for completion of the project. The details of the options will be discussed at these meetings and there will be an opportunity for the public to be heard. This matter is time sensitive. Please join us at one of these public hearings to express your opinion or email either the town clerk or the town supervisor with your input. There will be additional information provided in the August newsletter and information will be made available on the website as it becomes available.

**DETAILS OF OPTIONS:**

Supervisor Teal stated that she feels that there was a significant lack of communication initially with regard to this project so she wants to share everything that she has with the public.

It was brought to the Town Board's attention a few months ago that this sidewalk project had never been closed-out or finalized and we had to do something by September of 2017 or we would be required to pay back the federal reimbursement funds that we received (\$80,405.20) and possibly the state funding also (an additional \$5,000).

Supervisor Teal has met with the Town Attorney, the engineering firm (Creighton Manning) and DOT to determine what our options are. DOT has stated that if we choose the "no-build" option, we will have to pay back the funds. However, she has spoken with a number of people including supervisors in other towns and several engineers who have stated that this has not been their experience. But, we can only work with what DOT has officially told us so for tonight, you will be choosing between the two options that we are sure that DOT views as acceptable options:

They are listed on the hand-out:

Option 1 – Move forward with a reduced sidewalk plan.

Reduce project to build a sidewalk from the property line between Valley Plaza and EZ Mart to Tilden Road.

Estimated cost to move project through design and acquisition of one right-of-way or easement: \$13,000 (80% federal funding could be available for this).

Will acquire a 20-year build window enabling time to apply for funding and to save for the project.

Estimated Build Cost in 2012 Dollars: \$360,000 (Plan is to get 80% federal funding in the amount of \$288,000 which would make the total cost to the town \$119,475.40).

Supervisor Teal stated that this is the figure the engineering firm gave her but it is half of the amount that DOT estimated, so she has some reservations as to whether this number is accurate or not.

Option 2 – Stop the project and pay back the federal reimbursements and possibly the state reimbursements.

Total out of pocket town funds to date:	\$34,475.40
Total Federal Reimbursements to be repaid:	\$80,405.20
Total State Reimbursements that may need to be repaid:	<u>\$5,000.00</u>
Total Cost to Town:	\$119,880.60

Supervisor Teal stated that at the public hearing for the sidewalk project held on Monday, August 8<sup>th</sup> there were a lot of good questions raised. She followed up on these questions and does have some answers. When we look at option 1 on the hand-out, the estimated cost to move the project through design and acquisition of one right-of-way or easement is listed as \$13,000 and it is very likely that that is a low estimate. A more accurate estimate is going to be about \$20,000. Supervisor Teal has been assured by

DOT that that money will be reimbursed with 80% federal funding so we would be looking at \$4,000 out of pocket. The estimated build cost in 2012 dollars on the hand-out is using an estimate of \$200 per foot. That sounded very low to her and she spoke with DOT who said the range of cost for a sidewalk is between \$175 and \$350 per foot, so \$200 per foot is on the low side. Supervisor Teal used an average of \$262 per foot which came out to around \$475,000 for the entire build portion of the project. If we round it out to \$500,000 and we move forward with the build and get 80% federal funding, we would be looking at \$100,000 out of pocket along with the approximate \$40,000 we would have into it already from the planning and design phase.

Supervisor Teal stated that after Monday's public hearing she reached out to the owner of the property that would require a small acquisition to move forward on this project and they are in support of moving ahead with the sidewalk project.

***PUBLIC COMMENT:***

The following topics were discussed:

- If we expend \$20,000 and get reimbursed 80%, it is only another \$4,000 out of pocket for the town. This would open a 20 year build window. There is still nothing that will force us to build. If there is no funding available or we decide it is not best for the town to build, worst case scenario would be at the end of the 20 year build window we would then pay back the \$80,405.20 federal funding and possibly the \$5,000 state funding. In 20 years \$85,405.20 is going to have a much smaller value than it does now so we have bought some time to plan, some time to look at all our options and given ourselves the opportunity to not shoot from the hip when we feel like we are under pressure.
- Moving forward, the state funding may be available but it is not as readily available as the federal funding.
- If we were going to put infrastructure in our downtown area in the future, there are typically a lot of funds available for infrastructure projects and we could possibly build the sidewalks into that plan.
- The original project had an estimated build cost of over 2 million dollars. DOT allowed for the original project to be scaled back to start at the property line between EZ Mart and Valley Plaza and end at Tilden Road because the original project had a severe negative impact on EZ Mart by removing a gas lane and on the Library by removing all of their parking spots, which are already limited.
- You cannot get across the 20/22 corridor safely. In order to be able to cross safely, traffic would need to be slowed down and a crosswalk would need to be installed.
- What would be a valid reason not to build therefore not requiring us to pay back the funding received? Supervisor Teal stated that DOT has given two reasons: an environmental issue that would not allow you to go forward or substantial public opposition.

- The original project had 3 different possible plans drawn. One option included eliminating the turn lane in the center of the 20/22 corridor. DOT said that we could not eliminate that turn lane.
- Is the cost of moving all power and utility poles in the estimated build cost? Supervisor Teal stated that she has been advised by Creighton Manning that moving the power and utility poles will be the responsibility of the power and utility companies and all expenses associated will be paid by them. Anything that is placed in a DOT right of way is done so at the owner's risk and if an object needs to be moved it is the responsibility of the owner to do so.
- There is no guarantee that the federal funding is going to be available in the future for the build project.
- We can pay \$85,000 back and get no sidewalks or we can pay an estimated \$100,000 and get sidewalks from the property line between EZ Mart and Valley Plaza to Tilden Road.
- If we pay the money back now, we could be crippling a future board from investing in a sidewalk down the road. If we do not pay the money back now we still have the option to build or not build a sidewalk in the next 20 years.
- Who would be responsible to maintain the sidewalks if they were to be built? Supervisor Teal stated that it would either be the town or the property owner that would be responsible for basic maintenance such as shoveling the snow off the sidewalks when it snows. That would be a decision that the town board would make.
- In 2005 the Town of New Lebanon published a comprehensive plan and sidewalks were a part of that plan.
- The sidewalk project can always be added to which could include areas such as across the street as long as it includes the reduced sidewalk plan defined in option 1.

The following persons spoke in favor of moving the project through design and acquisition of one right-of-way or easement to acquire a 20-year build window:

Doug Banker  
Tony Flanders  
Greg Hanna  
David Farren  
Norman Rasmussen  
Ted Salem  
Judy Zimmer (via email)  
Christine Dreyfus (via email) and  
Tistrya Houghtling.

The following persons spoke in favor of stopping the project and paying back the federal reimbursements and possibly the state reimbursements:

Irene Hanna  
Jeff Winestock  
Carla Procashey  
Leonard Brown  
Scott Larabee (via phone)  
Carol Lukas (via phone) and  
Ed Godfroy.

The following persons spoke but were undecided about which option they support:

Cynthia Creech  
Jeannine Tonetti

Supervisor Teal stated that 2 emails and 2 phone calls were received from residents to voice their opinions, as noted above.

***TENNIS COURT VOUCHER:***

Supervisor Teal stated that the tennis courts were completed and the net systems were now installed. Councilmember Evans stated that he had gone by to look at the net systems and they look good.

Supervisor Teal made a motion to pay voucher #272 in the amount of \$67,695.00. Councilmember Baumli seconded that motion.

Roll Call Vote:

Supervisor Teal	Aye
Councilmember Baumli	Aye
Councilmember Smith Sr.	Aye
Councilmember Evans	Aye
Councilmember Gerald	Aye

All persons desiring to be heard, having been heard, a motion was made by Supervisor Teal, seconded by Councilmember Evans, and approved to close the public hearing at 8:23 p.m.

Respectfully submitted,

Tistrya Houghtling  
New Lebanon Town Clerk