

**MINUTES OF THE PUBLIC HEARING OF
THE NEW LEBANON TOWN BOARD
ON THE SIDEWALK PROJECT
HELD ON AUGUST 8, 2016**

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

Recording Secretary: Tistrya Houghtling, Town Clerk

Others Present: Dan Tuczinski, Attorney for the Town (arrived 7:23pm)
Thaddeus Flint, Reporter for *The Eastwick Press*
Several members of the public

CALL TO ORDER:

Supervisor Teal called the public hearing to order at 7:01 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 8th and Thursday, August 11th 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 for this hearing she would like to know whether you would like to move the project forward or if you are in favor of just stopping the project. When we had the last public hearings there was a lot of public opposition. We are trying to gauge what the public would like to do moving forward with this project from where we are now.

PUBLIC COMMENT:

The following topics were discussed:

- If we move ahead with the reduced sidewalk plan, there are many obstructions located on the State right of way where the sidewalks will be built. Someone would need to pay for the electrical poles, trees, signs, etc. to be moved. Who would be responsible to pay for these obstructions to be moved and is it included in the estimated build cost?
- Are we stuck with the design that we have? Is there a way to re-design the plans with more of a footpath design instead of concrete sidewalks? Supervisor Teal stated that she asked DOT this same question and they stated that under this program, we must go with the design the way it is and cannot use this program and funding to build an alternate footpath design.
- Can we change the project and move it to a different location, put it on both sides of the road, etc.? Supervisor Teal stated that the original plan was to build a sidewalk from the High School to Shatford Park and she asked DOT if we could go back to that design. They stated that we could start a new project but that does not solve this project at all. Working with DOT, Supervisor Teal was able to develop the option of paring down the project to run from EZ Mart to Tilden Road. At this time, the pared down version or building the entire project as designed would be our only build options for this project.
- If we can get 80% federal funding for the build of the reduced sidewalk plan and it does cost \$360,000, it could actually be cheaper to build them than to pay back the funding already received and spent.
- For the safety of walking downtown, is there is way to lower the speed limit and put a crosswalk in so people can get from one side of the road to the other safely?
- Who is going to be responsible for maintaining the sidewalks? Supervisor Teal stated that the responsibility of regular maintenance, such as shoveling the snow off the sidewalks, will fall either with the town or with the property or business owner and it will be up to the town to decide who is responsible. The long term maintenance of the sidewalks such as repairing cracks would be the town's responsibility.
- By paying \$13,000 now, we open a 20 year window in which to build the project. If we do not keep that 20 year window open, we may be crippling the town down the road. 20 years is a long time and we do not know where the town will be in 20 years and what the needs of the town may be at that time.
- If we keep the window open and for some reason do not proceed to the building phase, it will be less expense to the town to pay the money back 20 years from now when inflation is factored in than to pay the money back now. This would allow us to have all of our options in front of us in the future.
- As of right now the federal funding is not available. Will the federal funding be available for us to build in the future?
- How many properties would need to be taken by eminent domain? Supervisor Teal stated that from the preliminary information that we have now, there is only one property that would require a small acquisition in the pared down project and that is

the Tilden Plaza. People wanted to know if the owner of that property would support the project or not as that would affect how long it would take and how expensive it would be to acquire that property. Supervisor Teal said she would look into that for the next meeting.

- If we build the reduced sidewalk plan, in the future can we put a sidewalk in on the other side of the road? Supervisor Teal stated that there is nothing that would preclude us from doing sidewalks on the other side of the road as a separate project at a future date. Councilmember Evans stated that it is typical for one section of sidewalk to go in at a time in different phases.
- If we build the reduced sidewalk plan would it make it harder for new businesses such as a grocery store to come in? Would DOT requirements become more difficult with the sidewalks installed?

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:

Gregg Carroll
Kathy Duhon
Tony Murad
James Carroll
Fiona Lally
Joe Ogilvie
Dan Evans
Todd Houghtlin
Ted Salem
Bruce Shenker
Tistrya Houghtling
Deb Gordon and
Josephine Ogilvie.

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

Ed Godfroy
Sue Larabee
Malcolm Larabee
Jeff Winestock
J.J. Smith and
Bob Smith.

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

Christine Dreyfus
Cynthia Creech

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