

**MINUTES OF THE SPECIAL MEETING OF  
THE TOWN BOARD OF THE TOWN OF NEW LEBANON  
HELD ON SEPTEMBER 25, 2018**

**Present:** Colleen Teal, Supervisor  
Kevin Smith Sr., Councilmember  
Mark Baumli, Councilmember  
Jesse Newton, Councilmember

**Absent:** Norman Rasmussen, Councilmember

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

**Others Present:** No others were present

**CALL TO ORDER:**

The meeting was called to order at 5:37 p.m. by Supervisor Teal.

**BIDS RECEIVED: WEISBUCH PAVILION SIDEWALK/APRON REPLACEMENT  
PROJECT:**

Supervisor Teal asked Town Clerk Houghtling to enter the following bid notice into the minutes:

**NOTICE TO BIDDERS**

NOTICE IS HEREBY GIVEN that the Town of New Lebanon, NY is seeking bids for the WEISBUCH PAVILION SIDEWALK / APRON REPLACEMENT PROJECT at Shatford Park. The Town of New Lebanon invites sealed proposals for the removal of the existing portland cement concrete sidewalk and existing asphalt concrete apron, and the preparation for and construction of new portland cement concrete sidewalks and apron, including the furnishing of all materials, labor and related equipment necessary for the installation of same. This contract has been designated Contract 2018-002 as set forth in the contract documents, including drawings and specifications.

Bids will be received by the Town Clerk of the Town of New Lebanon, NY, Town Hall, 14755 Route 22 North, New Lebanon, NY 12125. until 3:00 PM on or before Friday, September 21, 2018. at which time and place they will be publicly opened and read aloud, with the contract being awarded, if acceptable, on September 25, 2018 at 5:30 PM at a Special Meeting of the Town Board at 14755 Route 22, New Lebanon, NY 12125.

All bid and contract documents, including specifications governing the contract, may be examined free of charge at the Town Clerk's office during the Clerk's business hours of Monday, Wednesday, Thursday, and Friday from 9:00 am to 5:00 pm. Copies of the Bid Documents may be obtained at the Town of New Lebanon Town Hall on or after September 7, 2018.

No bid will be accepted unless a signed Certificate of Non-Collusion is submitted with the bid. The Town of New Lebanon Town Board expressly reserves the right to waive any irregularities in or to accept any bid or to reject any and all bids or to award on any or all items. No bidder may withdraw his/her bid within twenty-five (25) days after the actual date of the bid opening. The project timeliness is crucial. The project must be started on October 1, 2018 and must be completed by November 15, 2018.

By order of the Town Board, Town of New Lebanon, New York.

By: Tistrya Houghtling  
Town Clerk  
Town of New Lebanon, NY

Town Clerk Houghtling stated that we received one bid from Banker Enterprise in the amount of \$25,090.

Councilmember Smith made a motion to accept the bid from Banker Enterprise in the amount of \$25,090. Supervisor Teal seconded that motion.

Roll Call Vote:

Councilmember Rasmussen -	Absent
Councilmember Smith -	Aye
Supervisor Teal -	Aye
Councilmember Newton -	Aye
Councilmember Baumli -	Aye

Councilmember Smith made a motion authorizing Supervisor Teal to prepare and execute a contract for the Pavilion Sidewalk/Apron Replacement Project. Councilmember Newton seconded that motion.

Roll Call Vote:

Councilmember Rasmussen -	Absent
Councilmember Smith -	Aye
Supervisor Teal -	Aye
Councilmember Newton -	Aye
Councilmember Baumli -	Aye

**AUTHORIZATION FOR BID: HIGHWAY FUEL TANK PROJECT:**

Supervisor Teal stated that we got an email from Town Engineer Paul McCreary. He has a notice to bidders prepared with bids due on 10/12 at 3pm to be decided at a special meeting on 10/15 at 5:30pm. Town Clerk Houghtling stated that we won't have enough time to properly advertise in the Eastwick Press with those deadlines. Supervisor Teal stated that we used both the Register Star and the Eastwick Press as our official newspapers and the reason is because the Register Star is a daily paper and when we have a tight deadline we can then use the Register Star. Town Clerk Houghtling asked if she should also put it in the Eastwick Press as that is where people are used to looking for

Town notices.

Supervisor Teal made a motion authorizing Town Clerk Houghtling to use the Register Star and the Eastwick Press to advertise the notice to bidders for the Highway Fuel Tank Project with bids due on 10/12 by 3pm to be decided at a special meeting on 10/15 at 5:30pm with work to be completed by November 30<sup>th</sup>. Councilmember Newton seconded that motion.

Roll Call Vote:

Councilmember Rasmussen -	Absent
Councilmember Smith -	Aye
Supervisor Teal -	Aye
Councilmember Newton -	Aye
Councilmember Baumli -	Aye

**PARK MAINTENANCE SHED & CUPOLA PAD PROJECT:**

Supervisor Teal stated that Councilmember Smith got quotes from two concrete companies. Councilmember Smith stated that Stickles is \$125 per yard and Bonded is \$105.50 per yard. He stated that price is with a 4,000 pound mix and 5 – 5 ½ percent air. He has to tell them that we want small stone which will be slightly more expensive, but Bonded will still be the lower price.

Councilmember Smith made a motion to use Bonded Concrete for concrete slabs in the park for the park maintenance shed and the cupola. Councilmember Newton seconded.

Roll Call Vote:

Councilmember Rasmussen -	Absent
Councilmember Smith -	Aye
Supervisor Teal -	Aye
Councilmember Newton -	Aye
Councilmember Baumli -	Aye

Supervisor Teal asked Councilmember Smith what he would like to do for the maintenance shed building. Councilmember Smith stated that he would like to go out to bid for a 24' X 24' steel building with one side door, one ten foot front door, no windows, in the color green.

Supervisor Teal made a motion to go out to bid on a 24' X 24' steel building to be delivered, installed and set up with the notice to bidders being advertised in both the Register Star and the Eastwick Press with bids due on 10/12 by 3pm to be decided at a special meeting on 10/15 at 5:30pm with work to be completed by November 30<sup>th</sup>. Councilmember Newton seconded that motion.

Roll Call Vote:

Councilmember Rasmussen -	Absent
Councilmember Smith -	Aye

Supervisor Teal -	Aye
Councilmember Newton -	Aye
Councilmember Baumli -	Aye

**GENERATOR PROPOSAL – GRANT APPLICATION:**

Supervisor Teal made a motion authorizing Councilmember Smith to have Hatch Mechanical prepare an evaluation and the specs to go out to bid for a generator proposal for the new addition part of the town hall, the boiler on the old side of the building and a line to the highway garage just for the water with the cost of the proposal preparation not to exceed \$200 and authorizing Councilmember Smith to work with the Judges to submit the JCAP application using the quotes and specs prepared by Hatch Mechanical. Councilmember Newton seconded the motion.

Roll Call Vote:

Councilmember Rasmussen -	Absent
Councilmember Smith -	Aye
Supervisor Teal -	Aye
Councilmember Newton -	Aye
Councilmember Baumli -	Aye

**BASKETBALL COURT BILL – WORK TO BE COMPLETED:**

Supervisor Teal stated that we got the updated bill. It is \$61,000. She stated that Town Engineer Paul McCreary recommended paying \$45,000 with the remainder to be paid when an acceptable fix is made which must address the re-grading, top soiling and seeding of the disturbed area and the ponding issue near the northeast section of the court. Councilmember Smith recommended paying 50% now and the other 50% upon completion of the fixes. He stated that when the court was engineered it was supposed to shed water to the sides but instead it is shedding water to the ends, into the driveway which is why we are getting the soil loss. The only way to correct this is to take the striping and coating off. If they add a layer, it is just going to crack quicker because it's not going to be bonded. He stated that Engineer McCreary said it was about a third of the court. Councilmember Smith stated that they have had a month now of not getting back to him or Paul on this. He provided Paul with pictures, Paul provided them with pictures. He just met with them last week. Councilmember Baumli stated that they are aware of the situation, they told us they would come up with a fix and they haven't yet come up with a fix. He asked why we have to pay any of the bill until the issues are fixed.

Highway Superintendent Winestock asked Councilmember Smith if he talked to them before they striped the court. Councilmember Smith stated that they were aware of this water problem as soon as the binder was down. Councilmember Newton stated that they still put the coating down, the sealer down, etc.

Councilmember Smith made a motion to pay 50% of the bill for the basketball court to L. Browe at the October meeting, unless the issues are fixed before then. Councilmember Baumli seconded that motion.

Roll Call Vote:

Councilmember Rasmussen -	Absent
Councilmember Smith -	Aye
Supervisor Teal -	Aye
Councilmember Newton -	Aye
Councilmember Baumli -	Aye

**EV CHARGING STATION PROJECT:**

Supervisor Teal asked if we need a survey. Councilmember Smith stated that Attorney Tuczinski is asking for a survey within a survey. Councilmember Baumli stated that makes no sense to him. Town Clerk Houghtling stated that Attorney Tuczinski said that the bank may require a separate survey delineating where the easement lines are drawn but for now to send him what we have. She stated that she and Councilmember Smith drew out a nice delineation to scale on the existing survey map and sent it to the Attorney and she hasn't heard from him that it is not acceptable.

Councilmember Smith said that we met with the property owner and they wanted to have a clause in the easement that states that if the EV charging station has to be moved to a different location on the property, that is okay. Councilmember Smith made sure that the property owner was willing to include that it would be at the expense of the property owner to move it if that should be required down the road. Town Clerk Houghtling stated that Councilmember Smith asked her to reach out to other towns that have done the EV charging station and see how they did their easement. She stated that one other town responded so far and they just used the template easement provided by the grant program. Supervisor Teal asked if Attorney Tuczinski is drafting a whole new easement. Town Clerk Houghtling stated yes. Supervisor Teal asked if he is doing this at the request of the financial institution that holds the mortgage on the property. Town Clerk Houghtling stated no because he has not yet talked to the bank about the easement.

Supervisor Teal made a motion authorizing the Town to move forward with the standard easement template for the EVSE charging station to cut down on legal expenses. Councilmember Baumli seconded that motion.

Roll Call Vote:

Councilmember Rasmussen -	Absent
Councilmember Smith -	Aye
Supervisor Teal -	Aye
Councilmember Newton -	Aye
Councilmember Baumli -	Aye

**TOWN ATTORNEY PROPOSAL:**

Supervisor Teal stated that Attorney Tuczinski is inundated with litigation at the new firm. She reached out to Attorney Tingley and he still has a great relationship with Attorney Tuczinski. If we got in a bind and we needed Attorney Tuczinski's input, he would be there for Attorney Tingley and the Town. But Gilchrist, Tingley focuses on municipal and land use. That is primarily what we need. That is who Attorney Tuczinski

was with when we contracted with them. She talked to Attorney Tingley yesterday. They are happy to finish this year for us. His proposal is for an \$1,800 a month retainer which would cover 12 hours. Anything beyond the 12 hours would be billed at \$175 per hour for litigation but litigation does not include code enforcement proceedings in town court, those would be handled under the regular retainer. She asked the Town Board to look over the proposal and it will be on the agenda for the October meeting.

**ADJOURNMENT:**

A motion was made by Councilmember Newton and seconded by Supervisor Teal to adjourn the special meeting at 6:15 pm.

Respectfully submitted,

Tistrya Houghtling  
New Lebanon Town Clerk