

**MINUTES OF THE SPECIAL MEETING OF
THE TOWN BOARD OF THE TOWN OF NEW LEBANON
HELD ON APRIL 16, 2019**

Present: Colleen Teal, Supervisor
Kevin Smith Sr., Councilmember
Mark Baumli, Councilmember
Jesse Newton, Councilmember
Andy Gilchrist, Town Attorney

Absent: Norman Rasmussen, Councilmember

Recording Secretary: Tistrya Houghtling, Town Clerk

Others Present: Cissy Hernandez, CEO/ZEO/Building Dept Admin
Jeff Hattat, Deputy CEO/ZEO
Jessica Byrne, Town Justice
Jack Nevers, Town Justice
Cynthia Creech, Court Clerk & CAC Member

CALL TO ORDER:

The meeting was called to order at 5:30 p.m. by Supervisor Teal.

BUILDING DEPARTMENT APPOINTMENT(S):

Supervisor Teal stated that CEO/ZEO Hernandez had sent the Town Board an email with a summary of the interviews and the building department's recommendations. She asked if the Town Board has any questions or concerns for CEO/ZEO Hernandez or Deputy CEO Hattat. Supervisor Teal stated that in summary the recommendation is to appoint Michelle Bienes as the planning/zoning clerk for a total of 10 hours per week and to appoint Elizabeth Keefner as building department clerk for a total of 10 hours per week. Councilmember Baumli stated that the position was advertised at 20 hours per week and the applicants said they were fine with just 10 hours a week but did they say that to get the job and when another part time job becomes available somewhere else that is 20 or 30 hours a week, they will jump out of this position. That would be his concern. CEO/ZEO Hernandez stated that if that did happen then one clerk could pick up the hours of the other clerk.

Supervisor Teal made a motion to appoint Michelle Bienes to planning/zoning clerk for 10 hours a week at a rate of \$13.00 per hour and to appoint Elizabeth Keefner to building department clerk for 10 hours a week at a rate of \$13.00 per hour. Councilmember Newton seconded that motion.

Roll Call Vote:

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

Councilmember Newton - Aye
Councilmember Baumli - Aye

COURT CLERK POSITION/APPOINTMENT:

Supervisor Teal recused herself from participating in any discussion regarding the court clerk position. Supervisor Teal left the meeting room at 5:40 p.m.

Councilmember Smith made a motion to enter into executive session at 5:40 p.m. to discuss the Justice Clerk position. Councilmember Newton seconded that motion.

Roll Call Vote:

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

Councilmember Newton made a motion to exit executive session at 6:08 p.m. Councilmember Baumli seconded that motion.

Roll Call Vote:

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

Councilmember Smith stated that there is a time constraint on this appointment. If we had more time, he might ask the Judges to sent the job back out to publication. He stated that there is a probationary period. Councilmember Newton stated he is fine with that. Councilmember Baumli stated that he is fine with that but with some reservations.

Councilmember Smith made a motion to appoint Samantha Long as Court Clerk at a starting rate of \$14.50 per hour for 20 hours per week subject to the Town's probationary period. Councilmember Newton seconded that motion.

Roll Call Vote:

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

Justice Byrne stated that the court will need to move some money from their .4 account to their .1 account so that the new court clerk can train under Cynthia Creech before she leaves. She requested \$1,500 be transferred from the Court's .4 account to the Court's .1

account. Councilmember Smith asked if we should do that tonight. Town Clerk Houghtling stated that the easiest way to do it is through a budget amendment at the regular May meeting. Justice Byrne asked if we have money for Samantha Long to start training. Town Clerk Houghtling stated that there is enough money in the Court's .1 account to start training and the budget amendment can get approved at the May meeting.

Supervisor Teal returned to the Town Board meeting at 6:12 p.m.

PAVILION BATHROOM PROJECT:

Supervisor Teal asked Town Clerk Houghtling to waive the reading of the bid notice and insert said bid notice into the minutes.

NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN that the Town of New Lebanon, NY is seeking bids for the NEW RESTROOMS AT WEISBUCH PAVILION PROJECT at Shatford Park, the Town's Municipal Public Park. The Town of New Lebanon invites sealed proposals for the construction of an addition to the existing Weisbuch Pavilion that will contain two (2) restrooms for park users. Both restrooms will be accessible restrooms. As with the previous restrooms and associated park facilities, the addition is not for year-round use. The addition will not be conditioned space. The construction will consist of a shallow, non-frost protected, haunched reinforced concrete slab foundation, conventional lumber framed walls with finishes, roof trusses, metal panel siding and roofing, plumbing fixtures, electrical fixtures, etc.. The bids are to be submitted and shall cover the costs directly and indirectly associated with furnishing all materials, labor and related equipment necessary for the installation and completion of the work.

As a Municipal Project, New York State Department of Labor Prevailing Wage Rates apply. While both Plumbing and Electrical work and trades are associated with the work, this project is exempt from Wicks Law as it does not meet the minimum anticipated construction costs for the requirement of separate trade bids. This is a General Contractor with sub-contractor(s) type of project. This contract has been designated Contract 2019-001 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 Monday, April 15, 2019. at which time and place they will be publicly opened and read aloud, with the contract being awarded, if acceptable, on April 16, 2019, 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 March 25, 2019.

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.

Project timeliness is crucial. The project must be started on or soon after April 23, 2019 and must be completed by June 28, 2019.

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 no bids for this project.

Councilmember Smith stated that Engineer McCreary is going to look at the insurance mandates that we have and lower them so that we are covered but the levels aren't as high. Councilmember Newton said that all the contractors in town said that the \$3 million insurance requirement is prohibiting them from bidding. Supervisor Teal asked if we know where we came up with that number for insurance. Councilmember Smith stated that he thinks it was the standard number we have used. Supervisor Teal stated that she agrees that we should reduce the insurance requirements. Councilmember Smith asked if the Town Board would authorize him to work with Engineer McCreary to come up with the new bid notice.

Councilmember Smith stated that we need D&J Excavating to dig up the septic tank to see exactly where the inlet is off the back of the building. It will be under \$1,000 but he wants the Town Board to be aware of it. Councilmember Baumli stated that there must be a cheaper way to do it. Councilmember Smith stated that it should only take an hour or two at his hourly rate, nowhere near \$1,000. He was saying it would be under \$1,000 meaning it doesn't actually need Town Board approval.

Supervisor Teal made a motion to approve D&J Excavating to do the necessary digging to determine the location of the septic line out the back of the pavilion. Councilmember Newton seconded that motion.

Roll Call Vote:

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

Supervisor Teal made a motion authorizing the Town Clerk to go out to bid on the pavilion bathroom project when she is provided the new bid notice from Engineer McCreary with a

reduction in insurance based on Engineer McCreary's recommendations with bids due by May 10th at 4pm with the decision to be made at the May 14th Town Board meeting. Councilmember Smith seconded that motion.

Roll Call Vote:

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

Councilmember Newton made a motion authorizing the Town Clerk to advertise the pavilion bid notice in the Times Union if the cost does not exceed \$250. Councilmember Smith seconded that motion.

Roll Call Vote:

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

Councilmember Smith stated that we currently have a regulation in our Town Ethics policy that precludes some of our local contractors from bidding on town projects. He stated that we are a small community and have a lot of people on boards that do construction. The Association of Towns said it would be fine if someone on one of the boards bid on town projects as long as our local Ethics Code doesn't preclude it. He asked if other Town Board members would be open to looking into amending the Town Ethics law to not preclude members of our various boards from bidding on town projects. Councilmember Newton stated that he would be interested in looking at that because when we interviewed for the Planning Board that was a real stumbling block and we were going to lose a Planning Board applicant because he wasn't going to be able to bid on town projects. Councilmember Smith stated that we also ran into this issue when Tony Murad did the work on the Town Hall. Councilmember Newton stated that we should have the Ethics Board weigh in on it as well. Councilmember Baumli stated that he agrees that we are a small community and it makes it hard. Supervisor Teal stated that she will have the Town Attorney look into it and see what the legalities are. Councilmember Smith asked Attorney Gilchrist if he could have that done for the next Town Board meeting. Attorney Gilchrist answered yes.

PROPANE TANK(S) FOR GENERATOR:

Councilmember Smith stated that the bid notice has gone out for three 100 gallon propane tanks for the generator.

ADJOURNMENT:

A motion was made by Supervisor Teal and seconded by Councilmember Smith to adjourn the meeting at 6:25 p.m.

Respectfully submitted,

Tistrya Houghtling
New Lebanon Town Clerk