

**MINUTES OF THE SPECIAL MEETING OF  
THE TOWN BOARD OF THE TOWN OF NEW LEBANON  
HELD ON NOVEMBER 30, 2018**

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

**Absent:** Norman Rasmussen, Councilmember

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

**Others Present:** Ed Godfroy, LVPA  
One member of the public

**CALL TO ORDER:**

The meeting was called to order at 12:34 p.m. by Supervisor Teal.

**LVPA CONTRACT:**

Supervisor Teal went through the following differences in the proposed LVPA contract between the version Ed Godfroy gave Supervisor Teal and the version Attorney Tingley emailed to the Town Board on 11/29/2018:

- Page 3 – section 1 – the LVPA is requesting to remove the last sentence – the details will be in the resolution – the Town Board is okay with removing this sentence
- Page 4 – section 2 – the LVPA wants to remove the last sentence – the Town Attorney was a little more concerned with removing this sentence – this sentence pushes the Town Board to adopt a resolution to define how the contingency funds should be replenished, if at all, which protects the Town – Ed Godfroy stated that this sentence says that the LVPA has to take money from their operating budget to replenish the contingency in case of an emergency – Supervisor Teal stated that this sentence just requires the Town Board, as a whole, to put in writing what is expected of the LVPA, it's not that they repay it, it's that they document what the agreement is – everyone agreed to leave that sentence in and not edit section 2
- Page 4 – section 3 – the LVPA wants to remove the last sentence – Ed Godfroy agreed to leave this sentence in

Ed Godfroy advised the Town Board that the LVPA will be working with a new bookkeeper who will work with their current bookkeeper to learn their books and accounting. She will use quick books and have more of an automated system to enter transactions. Their budget is already set to pay for this.

Supervisor Teal made a motion to direct the Town Clerk to post to the website and to make available copies of the following draft agreement for the Public Hearing on the 2019 LVPA Contract – the version sent on 11/29 via email by Attorney Jon Tingley with one change of

removing the last sentence from page 3, section i. Councilmember Newton seconded that motion.

Roll Call Vote:

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

**BASKETBALL COURT:**

Councilmember Smith stated that the Town Engineer thinks it is less than an eighth of an inch off. His suggestion is to withhold 5% of the final payment and have them do the site work where the gate doesn't open properly before paying the balance. Councilmember Smith wants to be sure before doing this that there is not more wrong with the court. He is concerned that it is a lot more than an eighth of an inch of water pooling in that corner, and if it is, they are going to have to fix it. He and Councilmember Newton will go look at it and shoot the lines with a laser and have an answer before the December meeting.

Councilmember Baumli stated that the Town Engineer reached out to L. Browe about the issues several months ago and no effort has been made to rectify the issues so they will get paid when we have resolved the issues. Councilmember Smith stated that the LVPA will come up and spray water on the court if we want to do a water test because a water test was never done on the court. L. Browe claims a water test was done, but the engineer would have been there for a water test and he wasn't and there are no results they can provide for the water test. Councilmember Baumli stated if they are saying they did a water test, they need to give us the results because our engineer is saying there isn't a water test and they are saying there was, so prove that you did one by providing results. Councilmember Newton stated that L. Browe knew there were issues before they even had the leveler down and the coatings on, because Councilmember Smith reached out then and said there was an issue.

Councilmember Smith stated that if we are happy with it not pooling more than an eighth of an inch, then we can move forward. If not, they are going to need to fix it according to the specs laid out in the contract. We will know by the next Town Board meeting what we need to do.

**ADJOURNMENT:**

A motion was made by Councilmember Smith to adjourn the meeting at 1:10 p.m. Councilmember Newton seconded that motion.

Respectfully submitted,

Tistrya Houghtling  
New Lebanon Town Clerk