

TOWN OF GOSHEN
TOWN BOARD WORK SESSION

February 8th, 2016

MINUTES

A work session of the Town Board of the Town of Goshen was held on the 8th day of February, 2016 at Town Hall located at 41 Webster Avenue, Village of Goshen, County of Orange, State of New York.

Present: Melissa Gallo Councilmember
 George Lyons Councilmember
 Kenneth Newbold Councilmember
 John VanDerMolen Councilmember

Absent: Douglas Bloomfield Supervisor

Also Present: Richard Golden, Esq. Attorney for the Town
 Robert Rametta, Esq. Special Counsel, Tax Certiorari/Claims
 Priscilla Gersbeck Town Clerk

The meeting was called to order by Deputy Supervisor Newbold at 7:32pm, followed by the Pledge of Allegiance.

1. DISCUSS RE-APPLYING FOR A SECOND NYS DWSRF GRANT TO REHABILITATE THE ARCADIA HILLS WATER STORAGE TANK AND AUTHORIZE THE SUPERVISOR TO SIGN THE SAME

The NYS Water Grants Program has opened up the second round for submissions. Alfred Fusco, P.E. of Fusco Engineering and Land Surveying, P.C. stated that the NYS Department of Health is reviewing applications to grant 60% of the project amount. The Town of Goshen's projected cost is \$350,000 to rehabilitate the Arcadia Hills water tank. We are requesting \$210,000 from this grant. The remaining balance will come from the SD Fund. It is estimated that it will take about 3 months before a decision is rendered. The start time is about a year away - after bid. Alfred Fusco explained the following three resolutions. He will include them with his application for this grant.

**TOWN OF GOSHEN
RESOLUTION TO
ESTABLISH LEAD AGENCY
ARCADIA HILLS WATER DISTRICT**

INTRODUCED BY: Councilman George Lyons
SECONDED BY: Councilman John VanDerMolen
Dated: February 8, 2016

At a meeting of the Town Board of the Town of Goshen, County of Orange, State of New York, held at Town Hall in said Town on the 8th day of February, 2016;

WHEREAS, the Town of Goshen, New York Town Board hereby declares itself lead agency as required by SEQR (6NYCRR Part 617) for

Name of Action: Town of Goshen
Location: Arcadia Hills Water District
Project: Rehabilitation of Existing Tank
 NYSEFC DWSRF Grant Application
Action: Type II
 In accordance with 6NYCRR 617.5 C2
Plans and Application: Available at Town Hall or upon request

WHEREAS, the Town Board had declared the action to be a Type II Action in accordance with 6NYCRR 617.5 C2 for rehabilitation or reconstruction in kind on same site

BE IT RESOLVED, the Town Board of the Town of Goshen hereby declares itself lead agency for this project and

FURTHERMORE, the Town Board further declares this project a Type II Action based on SEQR (6NYCRR Part 617) 617.5 C2 rehabilitation or reconstruction in kind on same site.

Upon Roll Call Vote:

Supervisor, Douglas Bloomfield	<u>ABSENT</u>	Councilperson John VanDerMolen	<u>AYE</u>
Councilperson, George Lyons	<u>AYE</u>	Councilperson, Melissa Gallo	<u>AYE</u>
Deputy Supervisor, Kenneth Newbold	<u>AYE</u>		

Vote: Resolution carried by a vote of 4 to 0.

**TOWN OF GOSHEN
 RESOLUTION**

Town of Goshen Application for a NYS Environmental Facilities Drinking Water Assistance Grant to Refurbish the Arcadia Hills Water Tank in the Arcadia Hills Water District

INTRODUCED BY: Councilman John VanDerMolen
 SECONDED BY: Councilwoman Melissa Gallo
 Dated: February 8, 2016

At a meeting of the Town Board of the Town of Goshen, County of Orange, State of New York, held at Town Hall in said Town on the 8th day of February 2016.

WHEREAS, the Town of Goshen is considering making application to the New York State Environmental Facilities Corporation (NYSEFC) Drinking Water Program for the water tank rehabilitation at Arcadia Hills Water District, and

WHEREAS, the Town has cause to have prepared a Full Environmental Assessment Form under the State Environmental Quality Review Act and in accordance with NYCRR 617, and

WHEREAS, the Town Board has assumed Lead Agency status, and

WHEREAS, the Town Board has taken and determined that the application process is to be ministerial and a Type II action as established by NYCRR 617.5 C2, rehabilitation or reconstruction in kind on same site.

NOW BE IT THEREFORE RESOLVED that the Town Board of the Town of Goshen has determined based upon the information and analysis in the Long Form EAF and supporting documentation, that the proposed action is a Type II action, and therefore, will not result in any significant adverse environmental impacts that further authorizes the Supervisor for the Town of Goshen to sign the SEQRA documents accordingly.

Upon Roll Call Vote:

Supervisor, Douglas Bloomfield	<u>ABSENT</u>	Councilperson, John VanDerMolen	<u>AYE</u>
Councilperson, George Lyons	<u>AYE</u>	Councilperson, Melissa Gallo	<u>AYE</u>
Deputy Supervisor, Kenneth Newbold	<u>AYE</u>		

Vote: Resolution carried by a vote of 4 to 0.

**TOWN OF GOSHEN
RESOLUTION**

Rehabilitation of Existing Water tank in the Arcadia Hills Water District

INTRODUCED BY: Councilwoman Melissa Gallo
 SECONDED BY: Councilman George Lyons
 Dated: February 8, 2016

At a meeting of the Town Board of the Town of Goshen, County of Orange, State of New York, held at Town Hall in said Town on the 8th day of February 2016.

WHEREAS, the Town Board of the Town of Goshen proposes the rehabilitation of the existing tank in the Arcadia Hills Water District, and

WHEREAS, the Town Board of the Town of Goshen believes that the rehabilitation work will be an asset to the Town of Goshen community, and

NOW BE IT THEREFORE RESOLVED that Fusco Engineering and Land Surveying, P.C. is authorized to prepare a NYS Water Infrastructure grant and a DWSRF grant application and submit same to the NYS Department of Health and the NYS Environmental Facilities Corporation and further authorizes the Supervisor for the Town of Goshen to sign all documents in accordance with all grant requirements including, but not limited to, WBE, MBE, EEO, Buy American, Ironworks, Davis Bacon, etc.

Upon Roll Call Vote:

Supervisor, Douglas Bloomfield	<u>ABSENT</u>	Councilperson, John VanDerMolen	<u>AYE</u>
Councilperson, George Lyons	<u>AYE</u>	Councilperson, Melissa Gallo	<u>AYE</u>
Deputy Supervisor, Kenneth Newbold	<u>AYE</u>		

Vote: Resolution carried by a vote of 4 to 0

2. REVIEW, DISCUSS AND APPROVE A REVISED TOWN OF GOSHEN PROCUREMENT POLICY

Budget Officer, Christine Cavaliere, reviewed and revised our existing Procurement Policy. An addition to section 3.a. included the Highway Department and Water/Sewer Department.

**TOWN OF GOSHEN
RESOLUTION
ADOPTING A PROCUREMENT POLICY**

INTRODUCED BY: Councilman John VanDerMolen

SECONDED BY: Councilwoman Melissa Gallo

DATE: February 8, 2016

WHEREAS, Section 104-b of the General Municipal Law requires the governing body of every municipality to adopt internal policies and procedures governing all procurement of goods and services which are not required by law to be publicly bid, and

WHEREAS, Comments have been solicited from all officers in the Town of Goshen involved in the procurement process.

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Goshen in a regular session duly convened that the Town of Goshen does hereby adopt the following procurement policy which is intended to apply to all goods and services which are not required by law to be publicly bid.

PROCUREMENT POLICY FOR THE TOWN OF GOSHEN

1. A. Every prospective purchase of goods to be made must be initially reviewed to determine whether it is a purchase contract or a public works contract. Once that determination is made, a good faith effort will be made to determine whether it is known or can reasonably be expected that the aggregate amount to be spent on the item of supply or service is not subject to competitive bidding, taking into account past purchases and the aggregate amount to be spent on the item of supply or service in the year. "Purchaser" is defined as a Town official, board member, department head or individual assigned by a department head to have purchasing authority. Pursuant to General Municipal Law § 104-b, they are listed as follows:

Highway	Broderick Knoell, Kevin Biondi
Police	James McDowell
Water/Sewer	Broderick Knoell
Court	Florence Nelson, Kajornsak Rangsiyothin
Assessor's Office	Arnold Silver
Town Clerk's Office	Priscilla Gersbeck, Mary Riso
Tax Collector's Office	Judith Andrews
Supervisor's Office	Douglas Bloomfield, Barbara Sokolofsky
Budget Office	Christine Cavaliere

B. Pursuant to section 103 of the General Municipal Law, purchase contracts of \$20,000 or less and public works contracts of \$35,000 or less are not subject to competitive bidding.

C. The decision that a purchase is not subject to competitive bidding will be documented in writing by the individual making the purchase. This document may include written or verbal quotes from vendors, a memo from the purchaser indicating how the decision was arrived at, a copy of the contract indicating the source which makes the item or service exempt, a memo from the purchaser detailing the

circumstances which led to an emergency purchase or any other written documentation that is appropriate.

2. All goods and services not subject to competitive bidding will be secured by using written requests for proposals (RFP), written quotations (which include quotations received via email), verbal quotations or any other method that assures that goods will be purchased at the lowest price, and that favoritism will be avoided.

3. a. The following methods of purchase will be used when required by this policy in order to achieve the highest savings:

For the Highway Department and Water/Sewer Department:

<u>Estimated amount of purchase contract</u>	<u>Method</u>
\$250 to \$2,999	Discretion of purchaser
\$3,000 to \$5,999	Oral request for goods and oral/fax/quotes from two vendors
\$6,000 to \$20,000	A written request (RFP) and written/fax/quotes from three vendors

<u>Estimated amount of public works contract</u>	<u>Method</u>
\$500 to \$4,999	Discretion of purchaser
\$5,000 to \$19,999	Written RFP and written/fax/proposals from two vendors
\$20,000 to \$35,000	Written RFP and written/fax/proposals from three vendors

For all other departments:

<u>Estimated amount of purchase contract</u>	<u>Method</u>
\$250 to \$999	Discretion of purchaser
\$1,000 to \$2,999	Oral request for goods and oral/fax/quotes from two vendors
\$3,000 to \$20,000	A written request (RFP) and written/fax/quotes from three vendors

<u>Estimated amount of public works contract</u>	<u>Method</u>
\$500 to \$2,999	Discretion of purchaser
\$3,000 to \$19,999	Written RFP and written/fax/proposals from two vendors
\$20,000 to \$35,000	Written RFP and written/fax/proposals from three vendors

b. Any written RFP shall describe the desired goods, quantity and the particulars of delivery. The purchaser shall compile a list of all vendors from who written/fax/oral quotes have been requested and the written/fax/oral quotes offered.

c. A good faith effort shall be made to obtain the required number of proposals or quotations. If the purchaser is unable to obtain the required number of proposals or quotations, the purchaser will document the attempt made at obtaining the proposals. In no event shall the failure to obtain the proposals be a bar to procurement.

d. All information gathered in complying with the procedures of this policy shall be preserved and filed with the documentation supporting the subsequent purchase or public works contract.

4. The lowest responsible proposal or quote shall be awarded the purchase or public works contract unless the purchaser prepares a written justification providing reasons why it is in the best interest of the Town and its taxpayers to make an award to other than the lowest proposal. A responsible proposal is a proposal from a person or entity that exhibits the requisite skill, judgment, and integrity, including, but not limited to, the proposer's experience and financial ability, to perform the public works or provide the item(s) to be purchased. If a proposal is not deemed responsible, facts supporting that judgment shall also be documented and filed with the records supporting the procurement.

5. Pursuant to General Municipal Law Section 104-b(2)(g), except when directed by the Town Board, no solicitation of alternative proposals or quotations shall be required for the following services subject to this Procurement Policy, as the lowest price and the nature of these services are such that they do not readily lend themselves to competitive procurement procedures:

A. Professional services or services requiring special or technical skill, training or expertise. The individual or company must be chosen based on accountability, reliability, responsibility, skill, education and training, judgment, integrity and moral worth.

In determining whether a service shall fit into this category, the Town Board shall take into consideration the following guidelines:

- (a) Whether the services are subject to state licensing or testing requirements;
- (b) Whether substantial formal education or training is a necessary prerequisite to the performance of the services; and
- (c) Whether the services require a personal relationship between the individual and municipal officials.

Professional and technical services shall include, but not be limited to the following: services of an attorney; services of a physician; technical services of an engineer or architect engaged to prepare plans, maps and estimates; securing insurance coverage and/or services of an insurance broker; services of a certified public accountant; investment management services; printing services involving extensive writing, editing or art work; management of municipally owned property; and computer software or programming services for customized programs or services involved in substantial modification and customizing of pre-packaged software.

B. Emergency purchases pursuant to Section 103(4) of the General Municipal Law shall also apply to purchases subject to this Procurement Policy. Due to the nature of this exception, these goods or services must be purchased immediately. Any delay in order to seek alternate proposals may threaten life, health, safety or welfare of the residents. This section does not preclude alternate proposals if time permits.

C. Purchases of surplus and second-hand supplies, material or equipment from the federal government, State of New York, or from any other political subdivision, district or public benefit corporation.

D. Goods under \$250 and public works contracts for less than \$500. The time and documentation required to purchase through this policy may be more costly than the item itself and therefore not be in the best interest of the taxpayer.

E. Municipal hospital purchases not subject to competitive bidding under State law.

F. Contracts with agencies for the blind or severely handicapped not subject to competitive bidding under State law.

8. INFORMATION: NEGOTIATIONS WITH THE CSEA WILL BEGIN FEBRUARY 17, 2016 WITH EXCHANGE OF PROPOSALS

Councilman Lyons noted that the CSEA contract ended at the end of 2015. The first meeting on the new contract will be February 17th at 10:00am. This is to mutually exchange proposals and to set ground rules. He will meet with Colleen Davies (CSEA Labor Relations Specialist), Supervisor Bloomfield and two CSEA Town employees

9. PRIVILEGE OF THE FLOOR

Councilman Newbold stated that GOVAC is looking for property. They have out-grown their current location. After an extensive search process, available property near the Humane Society (Police Drive) is the best location. Details will be discussed at a future date.

Highway Superintendent, Broderick Knoell, stated that he was approached by the North East Regional Food Bank for a location to unload food. A tractor trailer will park in the Highway lot to unload food into smaller trucks for distribution to local food banks. About a 20 minute window is estimated for each transfer. Issues concerning the integrity of this group, a license (right to be on the property), and liability coverage will be explored. A request was made to invite a representative of this group to address the Board.

EXECUTIVE SESSION:

Councilwoman Gallo made the motion to enter into Executive Session to discuss the following;

1. P.D. PERSONNEL
2. REVIEW PROPOSED SETTLEMENT OF THE AL TURI CERTIORARI LITIGATION

with the intent not to return. The motion was seconded by Councilman VanDerMolen. Motion Carried

Time: 8:30PM

Priscilla Gersbeck, Town Clerk