

**Town of Goshen
Town Board Meeting
January 13, 2022**

Minutes

Livestreamed on You Tube: Goshen, NY Town Board

A meeting of the Town Board of the Town of Goshen was held on the 13th day of January, 2022, at Goshen Town Hall, 41 Webster Avenue, Village of Goshen, County of Orange, State of New York.

Present:	Joseph Betro	Town Supervisor
	Douglas Bloomfield	Councilmember
	Philip Canterino	Councilmember
	Richard Florio	Councilmember
	George Lyons	Councilmember

Also Present:	Rory Brady	Town Attorney
	Mary Riso	Town Clerk

VOTE BY PROPER MOTION, made by Councilmember Bloomfield, seconded by Councilmember Canterino, the Town of Goshen Town Board moved to open the meeting at 7:30 pm. Approved unanimously.

Supervisor Betro	Aye	Councilmember Canterino	Aye
Councilmember Bloomfield	Aye	Councilmember Lyons	Aye
Councilmember Florio	Aye		

Old Business

Information: Arcadia Water Tank is online. There was a change order that represented a decrease of \$15,000 associated with unused cash allowances.

Review and approve the cyber security policy (see attached).

Whereupon, there was a discussion on the policy.

VOTE BY PROPER MOTION, made by Councilmember Lyons, seconded by Councilmember Florio, the Town of Goshen Town Board moved to approve the Cyber Security Policy as presented. Approved unanimously.

Supervisor Betro	Aye	Councilmember Canterino	Aye
Councilmember Bloomfield	Aye	Councilmember Lyons	Aye
Councilmember Florio	Aye		

VOTE BY PROPER MOTION, made by Councilmember Bloomfield, seconded by Councilmember Canterino, the Town of Goshen Town Board moved to approve the Cyber Incident Response Policy and Cyber Security Disaster Recovery Plan as presented. Approved unanimously.

Supervisor Betro	Aye	Councilmember Canterino	Aye
Councilmember Bloomfield	Aye	Councilmember Lyons	Aye
Councilmember Florio	Aye		

Review and approve the Procurement Policy.

Whereupon, there was a discussion on having an updated procurement policy. Thereby requiring a local law be adopted by the Town of Goshen for best value. Upon attorney’s advice, the Town Board will reaffirm by resolution the procurement policy from 2021.

**TOWN OF GOSHEN
RESOLUTION
PROCUREMENT POLICY**

INTRODUCED BY: Councilmember Bloomfield
SECONDED BY: Councilmember Florio
DATE: January 13, 2022

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
Police	Sargent Faust
Parks	Trish Sherlock
Senior Center	Bonnie Mayefsky
Water/Sewer	Christine Cavaliere
Court	Kajornsak Rangityothin, Chelsea Brant
Assessor’s Office	Alan Eskew
Town Clerk’s Office	Mary Riso, Kirsten Santangelo
Tax Collector’s Office	Judith Andrews

Supervisor's Office
Budget Office

Joseph Betro, Kathleen Collett
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.

G. Goods purchased from State correctional institutions.

H. Sole or single source procurement situations.

6. In a similar manner to General Municipal Law § 103(16), the procurement of certain goods (including apparatus, materials, equipment and supplies) and services subject to this Procurement Policy may be accomplished through contracts let by the United States or any agency thereof, any state or any other political subdivision or district therein, if such contract was let in a manner consistent with competitive bidding, and has been made available for use by other governmental agencies.

7. No portion of this Resolution to Adopt A Procurement Policy shall be construed as preventing the competitive bidding of purchase contracts under \$20,000 or public works projects under \$35,000, if so desired.

8. As provided in General Municipal Law § 104-b, the unintentional failure of this Procurement Policy to fully comply with that statute will not be grounds to void any contract or procurement awarded pursuant to this Procurement Policy, or give rise to a cause of action against the Town, or any officer or employee of the Town.

9. This policy shall be reviewed annually by the Town Board at its organization meeting or as soon thereafter is reasonably practicable.

Upon Roll Call Vote:

Supervisor Joe Betro
Councilmember Douglas Bloomfield
Councilmember Philip Canterino

Councilmember Richard Florio
Councilmember George Lyons

Vote: Resolution carried by a vote of

STATE OF NEW YORK)

..:SS.

COUNTY OF ORANGE)

I, Mary Riso, Town Clerk of the Town of Goshen, do hereby certify that the foregoing is a true and exact copy of a Resolution adopted by the Town Board of the Town of Goshen at a meeting of said Board held on 13th day of January, 2022.

Mary Riso

UPON ROLL CALL VOTE, made by Councilmember Bloomfield, seconded by Councilmember Florio, the Town Board of the Town of Goshen moved to approve the Resolution to Re-affirm the Town of Goshen Procurement Policy as presented in 2021, until adjusted by local law.

Upon Roll Call Vote:

Supervisor Betro	Aye	Councilmember Lyons	Aye
Councilmember Canterino	Aye	Councilmember Bloomfield	Aye
Councilmember Florio	Aye		

Vote: Resolution carried by a vote of 5 to 0.

Update from Councilmember Canterino on the demolition of the Salesian building.

Whereupon, in summary, there was a discussion on the bid package, the temporary road, approval from the County is needed to exit on Craigville Road, and all paperwork should be done by next week.

New Business

Review and approve Science of the Soul Bond release for clearing and grading (1) \$25,000 for the Clearing Permit and (2) \$211,000 Grading Permit.

VOTE BY PROPER MOTION, made by Councilmember Lyons, seconded by Councilmember Bloomfield, the Town of Board of the Town of Goshen moved to approve the release of Science of the Soul Bonds for clearing and grading in the amount of \$25,000 and grading permit in the amount of \$211,000. Approved unanimously.

Supervisor Betro	Aye	Councilmember Canterino	Aye
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Councilmember Bloomfield	Aye	Councilmember Lyons	Aye
Councilmember Florio	Aye		

Review and approve Amy’s Bond release for clearing and grading in the amount of \$67,000.

VOTE BY PROPER MOTION, made by Councilmember Canterino, seconded by Councilmember Bloomfield, the Town Board of the Town of Goshen moved to approve the release of Amy’s Bond in the amount of \$67,000. Approved unanimously.

Supervisor Betro	Aye	Councilmember Canterino	Aye
Councilmember Bloomfield	Aye	Councilmember Lyons	Aye
Councilmember Florio	Aye		

VOTE BY PROPER MOTION, made by Councilmember Lyons, seconded by Councilmember Bloomfield, the Town Board of the Town of Goshen moved to approve the December 9, 2021 meeting minutes. Approved unanimously with one abstention.

Supervisor Betro	Abstained	Councilmember Canterino	Aye
Councilmember Bloomfield	Aye	Councilmember Lyons	Aye
Councilmember Florio	Aye		

VOTE BY PROPER MOTION, made by Councilmember Canterino, seconded by Councilmember Florio, the Town of Goshen Town Board moved to approve minutes of the Annual Re-Organization Meeting of January 3, 2022. Approved unanimously.

Supervisor Betro	Aye	Councilmember Canterino	Aye
Councilmember Bloomfield	Aye	Councilmember Lyons	Aye
Councilmember Florio	Aye		

VOTE BY PROPER MOTION, made by Councilmember Lyons, seconded by Councilmember Florio, the Town of Goshen Town Board moved to approve minutes of the Special Town Board Meeting of January 5, 2022. Approved unanimously.

Supervisor Betro	Aye	Councilmember Canterino	Aye
Councilmember Bloomfield	Aye	Councilmember Lyons	Aye
Councilmember Florio	Aye		

Finance

VOTE BY PROPER MOTION, made by Councilmember Florio, seconded by Councilmember Lyons, the Town of Goshen Town Board moved to authorize the Supervisor to pay accounts payable check run on January 13, 2022 in the amount of \$629,383.35. Approved unanimously.

Supervisor Betro	Aye	Councilmember Canterino	Aye
Councilmember Bloomfield	Aye	Councilmember Lyons	Aye
Councilmember Florio	Aye		

VOTE BY PROPER MOTION, made by Councilmember Bloomfield, seconded by Councilmember Florio, the Town of Goshen Town Board moved to authorize the Supervisor to pay manual A/P run in the amount of \$2,515.07. Approved unanimously.

Supervisor Betro	Aye	Councilmember Canterino	Aye
Councilmember Bloomfield	Aye	Councilmember Lyons	Aye
Councilmember Florio	Aye		

VOTE BY PROPER MOTION, made by Councilmember Canterino, seconded by Councilmember Lyons, the Town of Goshen Town Board moved to approve year-to-date budget transfers requested by the Budget Office dated December 31, 2021 (see attached). Approved unanimously with one abstention.

Supervisor Betro	Abstained	Councilmember Canterino	Aye
Councilmember Bloomfield	Aye	Councilmember Lyons	Aye
Councilmember Florio	Aye		

Information: Christine Cavaliere conducted an account payable audit for December 17, 2021 (see attached).

VOTE BY PROPER MOTION, made by Councilmember Lyons, seconded by Councilmember Florio, the Town of Goshen Town Board moved to close the meeting. Approved unanimously.

Supervisor Betro	Aye	Councilmember Canterino	Aye
Councilmember Bloomfield	Aye	Councilmember Lyons	Aye
Councilmember Florio	Aye		

Meeting adjourned at 8:04 pm.
Submitted by Mary Riso