

TOWN OF GOSHEN
TOWN BOARD MEETING
August 23, 2012

A Regular Meeting of the Town Board of the Town of Goshen was held on the 28th day of June, 2012 at 7:30 p.m. at Town Hall located at 41 Webster Avenue, Village of Goshen, County of Orange, State of New York.

Present:	Philip Canterino George Lyons Louis Cappella Kenneth Newbold	Deputy Supervisor Councilman Councilman Councilman
Absent:	Douglas Bloomfield	Supervisor
Also Present:	Dennis Caplicki Broderick Knoell Valma Eisma	Town Attorney Highway Superintendent Town Clerk

A. CALL TO ORDER: Deputy Supervisor Canterino called the meeting to order at 7:35 p.m. and introduced his grand daughters, visiting from Liverpool, New York, Ava Maria, and Carman Sophia. He then asked the girls to lead the Pledge of Allegiance.

B. AMENDMENT TO THE AGENDA: Deputy Supervisor Canterino stated he would like to make an addition to the agenda, #4 under Old Business, request from Building Inspector to waive the Building Permit Fee for 19 Birchwood Drive.

C. PRIVILEGE OF THE FLOOR: (agenda items only) Joel Markowitz said he wanted to make it clear that a comment he had previously made at a Work Session, referring to the sourcing of professional services, was a compliment to this Board, not a criticism. "Through watching many, many meetings, this Board does it right."

D. REPORTS:

COUNCILMAN GEORGE LYONS gave the Joint Recreation Report as follows: The Goshen Parks and Recreation Day camp ended the 2012 summer session on August 10th. New and exciting activities are being planned for the 2013 season. The annual Halloween Party will be held on October 27th at Salesian Park, details to follow. Zumba classes will resume at the C. J. Hooker School Middle School at the end of September, information will be posted on the web site, which is goshenrecreation.org.

The parks have been busy with rentals, Goshen Rotary had two successful events this past weekend, the Goshen Family Fun Day, and Tour de Goshen at Craigville. The Ground Crew continues their maintenance of mowing all of the parks, tree pruning and removal of dead trees are being done at Salesian and Craigville Park. Drainage work has been completed on the two main soccer fields at Craigville Park.

Councilman Lyons also reported he had another update on the RFP (Request for Proposals). He stated he had received a letter from Sean Hoffman, of Riddick Association, today. He said Sean completed the revisions to the RFP, obtained wage rates, and sent copies of the advertisements and Notice of Public

Hearing to the Independent Republican and the Record. He said it will also be published in the Trade Journals, which is free. Councilman Lyons said all of this is being done in relation to the demolition of the Salesian Building. He said the Town Clerk will be receiving the bid packages on Friday.

COUNCILMAN LOUIS CAPPELLA reported the following: The Senior Center met again last week and finalized the budget, and it has been submitted to the Budget Officer. As for Highway he stated that he would complete that report, along with the Superintendent of Highway, when he addresses number three on the agenda relating to his 2012 Road Improvement Program.

COUNCILMAN KENNETH NEWBOLD reported the following: There was a water main break in Stone Hedge to which Highway Superintendent Knoell and his men responded very quickly even though it was late at night.

He also reported he and Supervisor Bloomfield met with the residents of Hambletonian Park to review different developments that may or may not influence their community. He stated that all else has been quiet.

COUNCILMAN PHILIP CANTERINO reported he would waive the Police Report, as Sergeant Faust had met with the Board at the last meeting, and he had received a copy of all the written reports, which he just picked up today. He said he will review the reports, and report on them at a later date.

OLD BUSINESS:

1. REVIEW AND APPROVE RESOLUTION OUTLINING THE TOWN OF GOSHEN'S

PROCUREMENT PROCEDURE: Deputy Canterino asked Attorney Caplicki to review the Resolution with the Board. Attorney Caplicki reviewed the Resolution with the Board.

Councilman Newbold made a Motion to adopt the Procurement Policy as written for discussion. The Motion was seconded by Councilman Cappella. The Board continued to discuss the policy. Councilman Lyons suggested various changes in the estimated amount of the purchase contract and the estimated amount of public works contract. The Board discussed these changes at length, and some minor changes were made. Since the changes were made, Councilman Newbold withdrew his Motion, and Councilman Cappella withdrew his second.

Councilman Newbold made a Motion to adopt the following revised Resolution, Councilman Cappella seconded the Motion.

Roll Call Vote:

Supervisor Douglas Bloomfield	<u>Absent</u>	Deputy Supervisor Philip Canterino	<u>AYE</u>
Councilman George Lyons	<u>AYE</u>	Councilman Kenneth Newbold	<u>AYE</u>
Councilman Louis Cappella	<u>AYE</u>		

Vote: Resolution adopted with a vote of 4 to 0, Supervisor Bloomfield Absent.

The following is the true, approved Resolution:

**RESOLUTION ADOPTING A
PROCUREMENT POLICY
August 23, 2012**

INTRODUCED BY: Councilman Kenneth Newbold
SECONDED BY: Councilman Louis Cappella
Date of Adoption: August 23, 2012

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

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 in a year.

B. The following items are not subject to competitive bidding pursuant to Section 103 of the General Municipal Law: purchase contracts under \$20,000 and public works contracts under \$35,000, emergency purchases; certain municipal hospital purchases, goods purchased from agencies for the blind or severely handicapped; goods purchased from correctional institutions, purchases under state and county contracts surplus and secondhand purchases from another government entity.

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, verbal quotations or any other method that assures that good will be purchased at the lowest price, and that favoritism will be avoided.

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

<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 contractors
\$20,000 to \$35,000	Written RFP and written/fax/proposals From three contractors

b. Any written REP 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. 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)(f) the solicitation of alternative proposals or quotations will not be required in the best interest of the municipality in the following circumstances where proper qualification are not necessarily found in the individual or company that offer. 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. Due to the nature of this exception, these goods or services must be purchased immediately and delay in order to seek alternate proposals may threaten life, health, safety or welfare of the residents. This section does not preclude alternate proposal if time permits.

C. Purchases of surplus and second hand goods from any source. If alternate proposals are required, the Town is precluded from purchasing surplus and secondhand goods at auctions or through specific advertised sources where the best prices are usually contained. It is also difficult to try to compare prices of used goods and a lower price may indicate an older product.

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. In addition, it is not likely that such de minimis contracts would be awarded based on favoritism.

6. No portion of this resolution shall be construed as preventing the competitive bidding of purchase contracts under \$20,000 or public works projects under \$35,000, if so desired.

7. This policy shall be reviewed annually by the Town Board at its organizational meeting or as so thereafter is reasonably practicable.

8. This resolution shall take effect immediately.

2. REVIEW AND APPROVE REQUEST BY THE CATHOLIC CHARITIES ARCHDIOCESE OF NEW YORK TO HOLD THE ORANGE COUNTY COUNTRY ROADS FALL FOIAGE BICYCLE TOUR, SUNDAY, SEPTEMBER 16, 2012: Councilman Lyons stated that at the Work Session of August 20th, he and Attorney Caplicki were concerned about the fact that the organization was giving the Town an "additional insured" standing on the Insurance Policy they submitted to the Board. He said it seemed that "in one breath they were giving it to the Town, and in another they were taking it away." He said he called their representative, and she assured Councilman Lyons that she would contact their insurance agent, and she would take care of it. Councilman Lyons advised her that the Board was meeting on Thursday, and would need it then if it was to be approved. He stated that he has not received anything at this time.

After a brief discussion the Board decided to table it until the September 10th meeting, and Councilman Lyons will again contact their representative.

3. REVIEW AND APPROVE PLAN FOR REMAINING 2012 ROAD IMPROVEMENT PROGRAM:

Highway Superintendent Broderick Knoell addressed the Board and referred to the 2012 Road Improvement Program he presented to the Board earlier, and had in their possession tonight. He stated the new projects listed for the Board’s approval are as follows:

Clark Road, widening of a dangerous curve near the intersection of Fort Hill Road, true and leveling (T&L) of the road from the intersections of Reservoir Road and Fort Hill Road.

Scolza Terrace (0.37 miles) and the section of Milburn Road (0.12 miles) include the true & Leveling (T&L) of the edges of the roadway in preparation for future top coating.

The planned paving on Cheechunk Road also involves T&L procedures and will run from the intersection of Fletcher Street and Cypress Lane, approximately 0.52 miles East.

After discussing these with the Board, Superintendent Knoell referred to the summary he had presented to the Board which follows:

2012 ROAD IMPROVEMENT SUMMARY:

2012 Road Improvement Fund	\$ 270,000
2012 Chips Award	<u>\$ 113,254</u>
Revenue Total	\$ 383,254
1.) Gate Schoolhouse Road Cold in Place Recycle with Nova Chip Top Coat	(\$127,471)
2.) Candlewood Drive Shim Coat of Asphalt; Ridgeview Terrace and Candlewood Drive – Fiber mat Chip Seal	(\$61,850)
3.) Old Chester Road – Replacement of (3) culvert Pipes as initial phase of future Road recycling and topcoating.	(\$26,596)
4.) 6-1/2 Station road – Finish T & L Asphalt Layer for future Chip Sealing next Year.	(\$23,450)
5.) Clark Road – Pave new ditch swale at widened curve and T & L road for Future top coating.	(\$37, 141)
6.) Scolza Terrace and section of Milburn Road. T & L road for future top Coating. Includes the installation of a new Culvert pipe.	(\$25,504)
7.) Cheechunk Road. T & L road for future top coating.	<u>(\$26,578)</u>
Expenditures Total=	(328,590)
Revenue Balance=	(\$ 54,664)

Superintendent Knoell stated that the residents responses, where ever they have worked, have been very favorable. He said the Revenue Balance is being kept for work to be done on catch basins.

Deputy Supervisor Canterino asked if Superintendent Knoell had any figures on the volume of traffic on each of these roads. He replied that most of the traffic studies he has seen have been part of environmental impact statements compiled for developments.

Councilman Cappella asked the Superintendent to tell the Board about the work that was done on Gate Schoolhouse Road. He explained that they have finished the recycling, and are scheduled to do the Nova Chip top coat in a couple of weeks. He said the developer had completed his recycling in the removal of the wide curve; put his binder course down, and his top coat. He said now we will bring in our Nova Chip, and it should tie in nicely. Councilman Newbold stated the Supervisor and he came to watch the work being done on Gate Schoolhouse and was impressed with the method used. Superintendent Knoell said this method "is amazing to see a big train come through, and grind up the road and lay it back down in the back."

The Board discussed the method; all agreed it improves the integrity of the road, and its life.

Councilman Cappella made the Motion to approve the Highway 2012 Road Improvement Program; the Motion was seconded by Councilman Lyons. Motion carried 4 to 0. Supervisor Bloomfield absent.

4. Waive Fee for Building Permit for Mrs. Hawkins': Councilman Newbold made a Motion to waive the Building Permit fee for the rebuilding of Mrs. Hawkins' home that was destroyed by fire. The Motion was seconded by Councilman Cappella. The Board discussed the fact that Mrs. Hawkins' had not made the request, but the Building Inspector suggested it based on past practices. In the past it was done for residential property, but not commercial. Councilman Cappella stated that the Board has been wanting to establish a policy pertaining to these cases. Therefore, he felt the Board's decision at this time should not be based on Mrs. Hawkins' property, but all such instances going forward. Councilman Newbold withdrew his original Motion, and Councilman Cappella withdrew his second.

Councilman Newbold made a Motion to waive the fee as long as the applicant builds on the same footprint, the same square footage or less, and the house was destroyed by fire. This is to apply to residential property only, not commercial. The Motion was seconded by Councilman Cappella. Motion carried by a vote of 4 to 0, Supervisor Bloomfield absent.

F. NEW BUSINESS:

1. SET PUBLIC HEARING FOR LOCAL LAW # 1-2012, FOR INSTALLATION OF TWO (2) STOP SIGNS ON CHEECHUNK ROAD AT THE INTERSECTION WITH OWENS ROAD:

Councilman Newbold made a Motion to Set the Public Hearing for Local Law #1 of 2012 for the September 10th meeting. The Motion was seconded by Councilman Lyons.

Roll Call Vote:

Supervisor Douglas Bloomfield	<u>ABSENT</u>	Deputy Supervisor, Philip Canterino	<u>AYE</u>
Councilman, George Lyons	<u>AYE</u>	Councilman, Kenneth Newbold	<u>AYE</u>
Councilman, Louis Cappella,	<u>AYE</u>		

Resolution adopted on a vote of 4 to 0.

G. FINANCE: Councilman Lyons made a Motion to authorize the Supervisor to pay Manual A/P Runs as of 8/21/12 amounting to \$9,704.65, and Accounts Payable Check Run for 08/23/2012 amounting to \$140,017.29. Councilman Cappella seconded the Motion. Motion carried 4 to 0.

H. PRIVILEGE OF THE FLOOR:

Joel Markowitz asked if there were a large construction type project advertised out to bid in the newspapers, would there be any violation to go beyond the bidding process and publicize the bid to a trade group? Attorney Caplicki replied as long as the requirements of the law are met in publication, it should not prohibit contacting trade groups. There was a brief discussion of the requirements needed for publishing. Mr. Markowitz stated it would be to everyone's benefit to obtain as many bids as possible.

I. ADJOURNMENT: Councilman Cappella made a Motion to adjourn the meeting to go into Executive Session, with intent not to return to discuss:

1. P.D. Chief Status Update
2. Dog Control Officer Status Update
3. Courts – Personnel Hiring

The Motion was seconded by Councilman Newbold. Motion carried 4 to 0.

Time: 8:35 p.m.

Valma Eisma, Town Clerk