

COUNTY OF GREENE
TOWN OF NEW BALTIMORE
TOWN BOARD REGULAR MONTHLY MEETING
DECEMBER 9, 2013 -- page 1

DRAFT

OPENING REGULAR TOWN BOARD MEETING

Supervisor O'Rorke called the meeting to order at 7:02 pm and the Pledge of Allegiance was said. Also attending: Councilwomen Benway and Finke, Councilman Norris, Attorney for the Town Wukitsch, and 39 members of the public who signed the attendance sheet.
Absent: Councilman Meredith, Highway Superintendent Jordan (ill), Town Clerk Brooks (ill).

APPROVAL OF MINUTES

Regarding the minutes of **July 22, 2013 Combined Regular and Work Meeting**, tabled at August 12, 2013 Regular Meeting due to insufficient attendance by Board members, tabled at September 9, 2013 Regular Meeting due to insufficient attendance by Board members, and tabled at the October 14, 2013 Regular Meeting due to insufficient attendance by Board members, with Councilman Meredith's absence, there is insufficient attendance tonight by Board members. The unapproved minutes are posted in draft form on website.

Regarding the minutes of **September 23, 2013 Town Board Work Meeting** submitted by the Town Clerk, **Supervisor moved and was seconded by Councilman Norris**. Councilwoman Finke was not at that meeting due to a business commitment. No discussion. The adoption of the foregoing Motion was duly put to a vote, and the vote was as follows:

BENWAY-AYE FINKE-Abstain MEREDITH-Absent
NORRIS-AYE O'RORKE-AYE
Motion Carried

Regarding the minutes of **October 7, 2013 Town Board Special Meeting** submitted by the Town Clerk, **Supervisor moved and was seconded by Councilwoman Benway**. Councilwoman Finke was not at that meeting due to illness. No further discussion. The adoption of the foregoing Motion was duly put to a vote, and the vote was as follows:

BENWAY-AYE FINKE-Abstain MEREDITH-Absent
NORRIS-AYE O'RORKE-AYE
Motion Carried

Regarding the minutes of **October 14, 2013 Town Board Regular Meeting** submitted by the Town Clerk, **Supervisor moved and was seconded by Councilwoman Benway**. No further discussion. The adoption of the foregoing Motion was duly put to a vote, and the vote was as follows:

BENWAY-AYE FINKE-AYE MEREDITH-Absent
NORRIS-AYE O'RORKE-AYE
Motion Carried

Regarding the minutes of **November 11, 2013 Town Board Special Meeting** submitted by the Town Clerk, **Supervisor moved and was seconded by Councilwoman Benway**. No further discussion. The adoption of the foregoing Motion was duly put to a vote, and the vote was as follows:

BENWAY-AYE FINKE-AYE MEREDITH-Absent
NORRIS-AYE O'RORKE-AYE
Motion Carried

Regarding the minutes of **November 11, 2013 Town Board Regular Meeting** submitted by the Town Clerk, **Supervisor moved and was seconded by Councilwoman Benway**. No further discussion. The adoption of the foregoing Motion was duly put to a vote, and the vote was as follows:

BENWAY-AYE FINKE-AYE MEREDITH-Absent
NORRIS-AYE O'RORKE-AYE
Motion Carried

COUNTY OF GREENE
TOWN OF NEW BALTIMORE
TOWN BOARD REGULAR MONTHLY MEETING
DECEMBER 9, 2013 – page 2

DRAFT

PUBLIC COMMENT

Ellie Alfeld- reporting for Seniors, December 4 was New Baltimore Seniors Luncheon, Pegasus, more than 50 attended. She would like to acknowledge core group: Bud and Fran Melick, Conrad and Dorothy Jurgens (co-chairs), BJ and Santo Costanza, Jim and Linda Polverelli, and Sharon Locke. Always looking for more members, this group has paid some costs of door prizes and picnic purchases. Donations were also received from Barbara Finke, Shop n Save, and Albright's Garage. Senior group will return to the Town's coffers \$480, well below their \$1500 budget. Supervisor thanked Ellie and the 3-year old core group, accomplishing picnics, holiday parties, been great to see seniors get together socially.

Kevin Kemnah- made previous request regarding use of brine gotten from fracking as a road surface treatment, has Board action been taken? Supervisor answered no action taken to date, no vendors coming to us to use in the Town, and certainly something for incoming Town Board to consider. Also, Kevin reports a tree came down, hung up on power wire, phoned highway superintendent but learned he has no special Central Hudson phone contact; he would like Town Board and highway superintendent to get a phone number so folks can speak to a human in an emergency.

AnnMarie Vadney- thanked all who ran in recent election and congratulated winners. Regarding OSC audit, requests answers: over \$700,000, what happened to checks and balances and existing policy, role of council when we are not following policy consistently, and how to protect ourselves in future.

Jeff Ruso- reports he, Shelly [VanEtten] and Nick [Dellasanti] have been reviewing organizational resolutions, customary for the Board to put together a procurement policy at the organizational meeting, didn't know til yesterday this was going to be a procurement policy, they are not consistent, and there will be amendments in three weeks.

Harold Vadney- concerned about text of State Comptroller's report, of Town's purchasing procurement policies, expects answers of that audit, why policy was not observed, duty to adhere to policy and laws of State of New York. He is disappointed in Mr. Wukitsch in performance as Town attorney to advise Town Board appropriately. Mr. Wukitsch offered response; Mr. Vadney claimed floor, asked Mr. Wukitsch what he was doing, stressed, Town of Coeymans is meeting tonight, member of this Board chose to give pay raise to one elected official, highway superintendent, in austere times, many without health care, is ludicrous and hopes to find legal basis to rescind.

Attorney for Town Wukitsch- requested floor. He responded as contracted attorney: his duties are spelled out in his retainer, and do not include highway department purchasing, which he does not do. What the department purchases and how it is purchased is up to the highway department. If Town Board had wished for him to do that, his retainer would be more. There is no finding in State Comptroller's report whatsoever of his work, his review, or his performance for the Town of New Baltimore.

Lynda Knighton- thanked Supervisor O'Rorke for her service over last four years, took office at a time of recession, Town was experiencing reductions in State aid, health care and retirement costs were rising, Town was able to keep tax increases below the state mandated tax cap. Under her leadership, portion of 'rainy day fund' cash balance was put to work; solution to longstanding boundary dispute with Town of Coxsackie; effort to take Sewer District #1 into the future. Being elected official in small town has no perks; done out of commitment to serving community; thanks to Supervisor O'Rorke and other Town Board members who have supported and worked with her through these years.

Councilman Norris- thanked Councilwoman Finke, Councilman Meredith and Supervisor O'Rorke for their years of service to the Town. He said it has been his honor to serve as deputy supervisor these four years, been through a lot together, wished Supervisor good luck; her priority was and she is proud of keeping tax rates down, and they are down since the onset of her term as supervisor. Thanking her, he repeated it has been an honor to serve as her deputy.

Attorney Wukitsch- has served as attorney to Town of New Baltimore since 1988, worked with Eleanor Shafer, Warren Skip Curtis, Ed Barber, David Louis, and Susan O'Rorke and, of his work with both political parties, he believes he has not worked with someone who has put as much effort into the role of town supervisor, given their concern for the people of the town, leaving no stone unturned to the point of finding cases he had not found; amazed at her dedication and hard work on behalf of the Town. Thanking her,

**COUNTY OF GREENE
TOWN OF NEW BALTIMORE
TOWN BOARD REGULAR MONTHLY MEETING
DECEMBER 9, 2013 – page 3**

DRAFT

political parties cut both ways, but to see someone give so much of their self is truly amazing.

CORRESPONDENCE

From Columbia-Greene Counties Cornell Cooperative Extension's Liz LoGuidice- notice of training class at AgroForestry Resource Center, Route 23, Acra, December 11, 6:30-8:30pm, about Catskill Creek stream habitats and how wetlands can help to reduce flood vulnerabilities for communities. Free to the public.

From NYS Public Service Commission- vendors vying for the power line project from Marcy to Pleasant Valley.

From Town of Minden- research regarding the power line project, which has been forwarded to supervisor-elect; more after January 1, 2014. The new Board may wish to research; the NYS Governor Cuomo has not chosen a vendor.

OLD BUSINESS

No old business.

NEW BUSINESS

EXECUTIVE SESSION

Supervisor moved to adjourn to executive session for the purpose of discussion of ongoing litigation with New Baltimore Truck Stop Plaza, Inc., aka Fox Run, and was seconded by Councilman Norris.

Motion Carried Ayes-4

Nays-0

Absent-1

The Town Board entered executive session at 7:29pm; executive session began at 7:31pm.

Motion to close executive session was made by Supervisor and was seconded by Councilman Norris.

Motion Carried Ayes-4

Nays-0

Absent-1

Executive session was closed at 7:38pm.

Motion to re-open the Town Board meeting was made by Supervisor and seconded by Councilwoman Benway.

Motion Carried Ayes-4

Nays-0

Absent-1

The meeting was re-opened at 7:40pm.

In summary, upon motion by Supervisor and second by Councilman Norris, that Attorney Wukitsch may do settlement agreement.

Motion Carried Ayes-4

Nays-0

Absent-1

Resolution to set Water Rates for Water District #3

COUNTY OF GREENE
TOWN OF NEW BALTIMORE
TOWN BOARD REGULAR MONTHLY MEETING
DECEMBER 9, 2013 – page 4

DRAFT

Supervisor reminded that the rates for Water District #2 were set at last Board meeting. Water District #3 was not included on new water rates spreadsheet from Village of Coxsackie. Supervisor emailed mayor with her best numbers and, having not received corrections, will move forward with these. Also, as with Water District #2, there is no surplus to cover cost of water main or hydrant break, each special improvement district must stand on its own, so an operation and maintenance was put into the 2014 Adopted Budget, and will be billed with the rate. Also, Town Board discussed whether O&M should be a water rate or a property tax, for Water District #2 the Board determined to leave it with the rate. Water District #3 stayed in the tax, and was turned in to the county; the county asked where *Water District #3* came from, having record of only *Water Districts #1, 2, and 4*. Supervisor explained *Water District #3* was the name of the first proposed water district for the hamlet of New Baltimore, that failed. When Kalkberg and Serta came to be, it should have been named *Water District #4*, something was sent in to county, but all our paperwork and prior Town Budgets dating to 2002 show *Water District #3*. The county did not know how to tax this district with no paperwork, and without having handled the O&M for Water District #3, Water District #2 was done in the water rates, so we determined to handle it in same manner and, if future Board wished to turn into a tax, they may wish to tackle this. Whether tax or user fee, currently only Serta is within this district; this will be handled in budget amendments later in this meeting. Supervisor asked for questions; hearing none, she read.

**RESOLUTION
DECEMBER 9, 2013**

**RESOLUTION TO ESTABLISH WATER DISTRICT #3 USE CHARGES FOR
2014**

RESOLVED, that the Town Board does hereby establish the following fees in accordance with the 2014 Budget for Water District #3

User Fees minimal rate:	\$512 annually
Operation and Maintenance:	\$300 annually

Councilman Norris moved and was seconded by Councilwoman Benway. No further discussion. The adoption of the foregoing Resolution was duly put to a vote, and upon roll call, the vote was as follows:

**ROLL CALL VOTE: BENWAY-AYE FINKE-AYE MEREDITH-Absent
NORRIS-AYE O'RORKE-AYE
Adopted**

Resolution to Approve Columbia-Greene Humane Society contract

Councilwoman Finke offered that the contract is same as last year, and must be returned by January 1. She spoke with Animal Control Officer Tanner, who confirmed it was same as it has been: if someone does come in and claim within 24 hours, the rate drops to \$75. Supervisor reminded the Town, by invoice, would pay the fee if the owner could not be found. Remembering Officer Tanner's kennel is no longer certified by NYS Ag and Markets, Supervisor asked does that mean that any dog would go to Columbia-Greene? Councilwoman Finke corrected that he was certified. Supervisor said he was certified for the past year but not going forward. Councilwoman Finke was not aware. Supervisor added that Officer Tanner had discussed an arrangement with the local Hannacroix Kennel; for now, this must be in place for January 1, 2014.

**RESOLUTION
DECEMBER 9, 2013**

**RESOLUTION AUTHORIZING SUPERVISOR TO EXECUTE AGREEMENT
WITH COLUMBIA GREENE HUMANE SOCIETY**

COUNTY OF GREENE
TOWN OF NEW BALTIMORE
TOWN BOARD REGULAR MONTHLY MEETING
DECEMBER 9, 2013 – page 5

DRAFT

RESOLVED, that the Town Board does hereby authorize the Supervisor to execute an agreement with the Columbia Greene Humane Society/SPCA for the period of January 1, 2014 to December 31, 2014 for shelter services, at a base rate of \$305.00 per day.

Supervisor moved and was seconded by Councilwoman Finke. No further discussion. The adoption of the foregoing Resolution was duly put to a vote, and upon roll call, the vote was as follows:

ROLL CALL VOTE: BENWAY-AYE FINKE-AYE MEREDITH-Absent
NORRIS-AYE O'RORKE-AYE
Adopted

Resolution to Renew Annual Lease with OSI

**RESOLUTION
DECEMBER 9, 2013**

**RESOLUTION AUTHORIZING SUPERVISOR TO EXECUTE
ONE YEAR LEASE EXTENSION FOR HANNACROIX PRESERVE AND
HUDSON RIVER INTERPRETIVE TRAIL PARKING AREA**

BE IT RESOLVED, that the Town Board hereby authorizes the Supervisor to execute a lease extension, between the Town of New Baltimore and the Open Space Conservancy, Inc., for the parking area used for the Hannacroix Preserve and the Hudson River Interpretive Trail, for a one year period expiring December 31, 2014.

Councilman Norris moved and was seconded by Councilwoman Benway.

Councilman Norris reminds that the Board has asked for highway superintendent's approval of the condition of parking area; answer: he has confirmed that, and in effect since end of 2008. The adoption of the foregoing Resolution was duly put to a vote, and upon roll call, the vote was as follows:

ROLL CALL VOTE: BENWAY-AYE FINKE-AYE MEREDITH-Absent
NORRIS-AYE O'RORKE-AYE
Adopted

Resolution to set 2014 Organizational Meeting

Supervisor reached out to Supervisor-elect Dellasanti to inquire whether he would like Organizational Meeting to be set; he responded.

**RESOLUTION
DECEMBER 9, 2013**

RESOLUTION TO SET DATE OF 2014 ORGANIZATIONAL MEETING

RESOLVED, that the Town Board of the Town of New Baltimore will hold the 2014 Organizational Meeting on January 1, 2014 at noon at the Town Hall, Rt. 51, Hannacroix, New York.

Councilman Norris moved and was seconded by Councilwoman Finke. No further discussion. The adoption of the foregoing Resolution was duly put to a vote, and upon roll call, the vote was as follows:

ROLL CALL VOTE: BENWAY-AYE FINKE-AYE MEREDITH-Absent
NORRIS-AYE O'RORKE-AYE
Adopted

Discussion of the recent NYS Comptroller's Report

Supervisor reminded of the comments this night under Public Comment; she would have preferred a Comptroller's Office report card of all A's; all of us strive to do our best here,

COUNTY OF GREENE
TOWN OF NEW BALTIMORE
TOWN BOARD REGULAR MONTHLY MEETING
DECEMBER 9, 2013 – page 6

DRAFT

as do all our employees, as does the Town Board. The highway superintendent is home ill this night having been out checking roads many nights, but 'the buck stops' with the Town Board to whom the highway superintendent has provided any requested documentation; we've all acknowledged that. Also, regarding the highway superintendent and his raise: raises are not set until January 1, 2014 Organizational Meeting. The Comptroller's Office tells us as they arrive they are here to help us and point out any deficiencies they find. In August 2011 this audit began for 2012. Prior to the Procurement Policy that this Town Board put into place, employees were not required to have Town Board approval before making purchases. The road paving is tough: a letter from Peckham (from whom materials were purchased) states product was on state contract; the Comptroller's Office said it was not; Supervisor is not sure how to resolve that. Comptroller's Office suggests gathering core samples; expensive to do, but how else can you verify that the product you bought is on the list from the state? But the Town has the letter from Peckham, they say what we bought was on the contract; the incoming Board can determine whether to do core samples or how they wish to handle.

Regarding the International truck purchase, the Town Board debated this for three months, a cab and chassis frame broke in December. Highway Superintendent Jordan reviewed state contract list, International was listed in December, Town began negotiating with International in December but, without the dollars on hand, Town Board wanted to go out for a bond. Without having bond counsel on retainer, over December, January and February, the Town Board engaged bond counsel, put a bond out to bid, and receive the monies. It was the Town Board's understanding that if they entered into an agreement with International, on state contract in December, Town Board purchased the vehicle at the February Regular Meeting, with a verbal agreement with them to do that, that was acceptable. NYS Comptroller's Office came to the Town to report, they responded that it had to be a written agreement; the Town Board did not have a written agreement, it had a verbal agreement. The Town Board did not put it out to bid because with the time needed to bid, the guaranteed price given by International would have expired and, having scoped out the market, Town Board knew that pricing was considerable higher than the International that was on state contract. A unanimous decision made by the Board, thinking they had done the right thing, most of Board still believes it was the right thing. Knowing the price, the Board made their decision. Regarding the pickup truck, Town's past practice has been to not provide a part-time secretary to the highway department (as neighbor Town of Coeymans, who has fewer streets and roads), no secretary, nor did the Town Board provide internet or computer access at the garage, so he relied on maintaining good rapport with vendors. He could call and inquire as to who had the state contract for 'x', ask for the contract number, which they would provide, and that it was, in fact, on state contract. Whether one or two intentionally or unintentionally misled us, the number they gave us was not a valid number for the Ford pickup; it ended up being purchased from a federal contract, not a state contract. One of the things done to insure that will not happen again is to provide highway superintendent with a computer and internet access available so he can check the contracts. A printer was not bought, considering the space and environment at the highway garage of grease and grit, and when he pulls up a contract he can forward to town supervisor or town clerk for printing.

The rest of the items have to do with the procurement policy; the Town made a drastic decision in updating the procurement policy. After many years, employees not needing Board approval to being able to purchase only \$2500 on any item, or aggregate purchase of \$2500, or \$5000 for the highway superintendent. Tonight will address the concerns raised by the Comptroller's Office.

In Town of New Baltimore, the Town Board has often looked to the highway superintendent for certain things (traffic control and street signs, fuel, and heat for garage) that do not fall under Highway budget, do fall under the General Fund, but past practice in New Baltimore is for the highway superintendent to take care of these things. Comptroller's Office brought to attention that those items are not being purchased as highway superintendent but General Fund, therefore \$5000 limit is not applicable, rather the \$2500. Low sulphur diesel, used by highway (Highway Fund) and wastewater treatment plant (Sewer District #1), that we forgot about coordinating Funds and employees. Taking a look at each department, if we're purchasing from one vendor, we must look at the total aggregate purchase.

Regarding the pole barn, the Comptroller's examiners felt that the Town Board had not given the highway superintendent the approval to go out and purchase the needed

COUNTY OF GREENE
TOWN OF NEW BALTIMORE
TOWN BOARD REGULAR MONTHLY MEETING
DECEMBER 9, 2013 – page 7

DRAFT

supplies, discussed at many meetings, including the land swap/annexation meetings, how the highway crew would do the work to save additional money. The Town Board did not put it in the form of a resolution, only a verbal approval, reviewing the pricing, Board asked questions about that; Comptroller's Office felt it needed to be memorialized by a resolution.

Regarding the uniforms and Waste Management, Comptroller's Office felt even with a contract, it should be put out to bid during the contract period.

Regarding the plastic pipe connectors for culvert piecing, Town Board had given highway superintendent approval within the Highway 284 Agreement at the onset of the paving season, and usually updated by addendum more than once during the year; Comptroller's Office was unfamiliar with a 284 Agreement. Supervisor maintains that the agreement suffices, but the Comptroller's Office prefers a resolution to authorize purchase of the items needed for the work on the 284.

Other items that came off the report like the salt contract, Supervisor never thought buying road salt could be so complicated: a 21 page contract with 23 pages of addendum that change pricing and amount of fuel to ship the salt. Also, Supervisor believes we must submit the salt needs to the state by March for the following year; Town Board will have to authorize highway superintendent to go out and buy the salt because he must make a commitment to the state for the one approved provider. Comptroller's Office saw different numbers within addendum; Town went back to supplier Cargill and finally had to send threatening letter saying either explain to Comptroller's Office or refund the Town the difference; they made refund to the Town of about \$70.00.

Supervisor recalled the Comptroller's examiners were physically here for two months, then three months, and offering any future questions that they be contacted direct. Councilman Norris said one change with truck: to achieve \$30,000+ savings, Town chose to order cab and chassis and to build the box, resulting in a delay. Supervisor gave credit to highway superintendent for applying the built box to the vehicle, just like the pole barn, Town has sought the lowest price for everything and used Town crew to accomplish savings.

Councilwoman Benway added that we did the best we could and got lowest price we could, we didn't do it the way they wanted us to and, even if some mistakes were made, we still got the best price we could.

Councilman Norris said going forward the Board will have to bid everything out, not use local vendors, and just go for bid. He is convinced the Town saved a lot of money, \$30,000-35,000, on that truck and would do it again; it was well worth this aggravation. Supervisor reminded that the Comptroller's Office will often report where they found savings could be made; we might disagree with some of their interpretations of our policy, but Comptroller's Office never said it could have been done for less money. Supervisor reminded this was received on November 15, 2013, we did not control any of this process, we thought the report would be out shortly after the Town Board made its response back.

Councilwoman Finke had no comments.

Supervisor recalled the votes were unanimous, and one or two abstentions from votes. Supervisor reminded that if there was feeling something was handled inappropriately, it was the Board decision, not the highway superintendent, and he provided the Board with any information they requested of him.

Ellie Alfeld added that folk should be aware of how much Town saved with insurance, and doesn't feel that should have been overlooked.

Supervisor responded that the Board's intention is always to look, never take the easy route, not just taken the state contract or put things out to bid, buying the truck we tried to do what we thought would save money in the long run.

Member of the public understood that the procurement policy in effect was not followed; thinks that those present understand the 'buck stops' with the Board; asks if policy required bids, why are we not running town like business and getting those bids; if not followed, what checks and balances are being created for the future? When is response due to OSC and has it been done?

Supervisor answered regarding following procurement policy, Town Board felt that it was following policy, Comptroller's Office had different interpretation than the Board. Trying to clear that up, the Board has the revised policy tonight for action. The Board went out to bid several times in last four years; some items weren't bid because the Town believed they were on state contract, acceptable under General Municipal Law and the Town procurement policy. Sometimes, even if under state contract, Town still went out

COUNTY OF GREENE
TOWN OF NEW BALTIMORE
TOWN BOARD REGULAR MONTHLY MEETING
DECEMBER 9, 2013 – page 8

DRAFT

to bid on an item. The problem with International truck was the short timeframe; we accepted contract off the state contract list. This is a new procurement policy with checks and balances. The Town's original response is included toward the back of the Comptroller's report at the back, available online for anyone to access; second part to do is the remedial plan within 90 days and taking care of the procurement policy will address that.

Member of the public is not clear on the idea of state contract; does that indicate that the state only gives a contract to one vendor? If that's so, how can you bid it if that is the one?

Attorney Wukitsch believes that generally purchases of \$10,000 or more must be put out to bid; in other words you must solicit bids, and award to the lowest responsible bidder. The exception to that requirement is for purchases made off state contract, you do not have to put that out to bid. So, if a product (or service) is listed on state contract, you make that purchase without doing procurement. Highway Superintendent Jordan relied on the word of a vendor that a product was on a state contract, apparently it was not. Member of the public asked how that could be addressed in the future. Supervisor answered that, Town Board has given highway superintendent a computer and internet access at the garage so he may go online and verify whether item is on state or county contract. The Town in the past has done an intermunicipal agreement with the county to use the county contracts as well.

Member of the public said the vendor gave highway superintendent a contract number, that is submitted together, right?

Supervisor said vendor said it was a state number, and it ended up being a federal contract number.

Member of the public asked how would someone know whether it was state or federal? Supervisor answered that highway superintendent must go on internet and check it for himself. Regarding 43 page salt contract, State Comptroller's Office suggested that the Town Highway Association does training each year, half day, on procurement practices. Seems simple, but is half a work day.

Member of the public asked if everything else is about *buying local*, and this is state contracts, and if *local* means \$5 more, we should have some direction as to how we want it done. If we say we'll spend \$3-5 more to get from a local business, how do you get around something like that, a good thing?

Supervisor answered that element was in the procurement policy, we'll go over that, you must justify why you are taking the product or service at higher price, maybe for better local service, computers, we've had that issue at the wastewater treatment plant since it is important when pump goes down that we have a local vendor to get out and service them. Supervisor said it could be more beneficial in the long run to pay a little more, buy locally for service, but must be clearly documented. Comptroller's Office had no issue with Town choosing local versus state vendor.

Member of the public said we all want to keep business local, many want to get on the state bidding list, so they're not putting the town in a predicament.

Supervisor said a local for heating oil vendor, not on contract, must be able to meet the state requirements; one requirement may be a large service area to get that contract.

Member of the public said, having owned a fuel company for years, the prior process was {if there were vouchers to the town} you could go out to bid for locals and if they could succumb to state contract price, even if not a state vendor, has that changed?

Supervisor explained that that has changed; because we were doing that with particular vendor who was meeting the state contract price, one issue the Comptroller's Office had because they were not on state contract. Supervisor understands that when vendors are willing to step up and make bidding commitment, and another vendor doesn't go through the process yet gets business.

Member of the public said one problem is that there is very little profit.

Supervisor understands.

Member of the public said if vendor is willing to make effort, deliver to the town and be there, seems that should have credence.

Supervisor said the Town did go out to bid for that service, allowing local bidders an opportunity.

Councilman Norris points out that Comptroller's Office actually discourages that, playing favorite and not giving someone else a chance to bid; discouraging, when we're trying to do the right thing and use local contractors, they came back and said it was not proper way.

COUNTY OF GREENE
TOWN OF NEW BALTIMORE
TOWN BOARD REGULAR MONTHLY MEETING
DECEMBER 9, 2013 – page 9

DRAFT

Member of the public asked what the h- did they know, having come up with the SAFE Act? [Laughter]

Supervisor said that is how you get a 40page salt contract.

Attorney Wukitsch felt the gist of the report is simply that the Town has to do a better job documenting Highway purchasing, probably said of any small municipality; there is no finding on *illegality, failure to award to a low bidder, or damage to taxpayers*. On the contrary, if you look at Highway Superintendent Jordan's purchasing, it has always been to the benefit of the Town's taxpayers.

Councilman Norris said they audit everybody.

Attorney Wukitsch reminded that to have in board minutes is not enough, needs 284, and more detailed documentation.

Supervisor said each board can change this policy. This Board owes the Comptroller's Office a remediation; this has been discussed, but this is first time publicly since November 15, before that date it must not have been made public per Comptroller's Office, although the examiners were invited to make presentation publicly at Work Meeting; they were not interested in doing that; Supervisor felt there was nothing to hide. Supervisor asked for any additional changes, although the Board has had opportunity.

Resolution to Adopt Changes to the Town Procurement Policy

PROCUREMENT POLICY

Every purchase 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 expended on the item or service is not subject to competitive bidding, taking into account past purchases and the aggregate amount to be spent in a year. (Supervisor reminded that we have a local vendor of road signs who holds invoice and does not bill until 4-6 months into process, looking as though all ordered at once. One year New York State required the STOP AHEAD signs, well over budget in that year, taking the aggregate total over \$2500.)

The decision that a purchase is not subject to competitive bidding will be documented in writing by the Town Chief Financial Officer. This documentation may include written or verbal quotes from vendors, a memo from the purchasing official indicating how the decision was arrived at, a copy of the contract, a memo from the Town official requesting an emergency purchase, or any other written documentation that is appropriate.

All goods and services will be secured by use of written requests for proposals, written quotes, or any other method that assures that goods will be purchased at the lowest price and that favoritism will be avoided. Verbal quotes must be documented in writing by the purchasing official. (Supervisor said this clears some confusion regarding whether if quote was gotten by phone and written down that it could be considered a written quote; no.)

This policy will require the following method of purchase to be followed in order to achieve the highest savings:

Estimated Amount of Purchase Method

<i>Under \$1,000</i>	<i>Left to the discretion of the purchaser</i>
<i>\$1,000 - \$2,500</i>	<i>3 Verbal Quotes</i>
<i>\$2,501 - \$19,999</i>	<i>General Contracts- 3 Written Quotes</i>
<i>\$2,501 - \$34,999</i>	<i>Public Works Contracts- 3 Written Quotes</i>

(Supervisor explained that General Municipal Law requires that general contracts over \$20,000 and public works contracts over \$35,000 shall be bid.)

A good faith effort shall be made to obtain the required number of written proposals or quotes. If the purchasing Town official is unable to obtain the required number of written proposals or quotes, that official will receive written approval from the Town's Chief Financial Officer documenting the attempt made at obtaining the proposals. (Supervisor explained that the addition of the documentation coming to Chief Financial Officer/Town Supervisor; one thing we did not have ability for town supervisor to step in. For any approved purchases vouchered tonight, the Chief Financial Officer will cut and sign those checks. With this addition, Chief Financial Officer may step into process earlier.)

COUNTY OF GREENE
TOWN OF NEW BALTIMORE
TOWN BOARD REGULAR MONTHLY MEETING
DECEMBER 9, 2013 – page 10

DRAFT

Purchases over \$2,500 will require prior Board approval by resolution; the exception being the Highway Superintendent when making purchases for highway equipment or road paving materials/services. (Supervisor explained this stipulates what the highway superintendent can purchase under the \$5000.) The Highway Superintendent's purchases over \$5,000 will require prior Board approval by resolution. These thresholds include individual purchases or vendor aggregate purchases for any calendar year. (Supervisor explained it becomes necessary to consider what is being purchased over the entire year.) The Chief Financial Officer will provide to each department a total of all purchases made from each vendor used in the preceding year in order to evaluate purchasing in the subsequent year. Monthly updates of vendor totals will be provided to purchasing officials throughout the year so the officials can monitor their thresholds. (Supervisor explained this part is new; bookkeeping service was changed during this year; one reason was that we were not getting monthly reports or detailed reports from bookkeeper; now getting those reports from new bookkeeper).

When a contract is awarded to other than the lowest responsible offer, documentation and an explanation are required. This documentation by the Chief Financial Officer will include an explanation of how the award will achieve savings, and in what way the offer was not responsible. Exceptions can be made if the Chief Financial Officer provides written justification as to why it is in the best interest of the Town and its taxpayers to make an award to other than the low bidder. (For example, perhaps the lowest bidder is an out-of-state supplier and the second lowest bidder is Town property taxpayer whose quote was within 5% of the low bidder). If a bidder is deemed not responsible, facts supporting that judgment shall also be documented and filed with the record supporting the procurement. All documentation will be approved by the Town's Chief Financial Officer. (Supervisor explained again the Chief Financial Officer was added so approval of documentation stays with the voucher.)

In the following circumstances, Employees are not required to follow competitive bidding practices:

a. Professional services or services requiring special/ technical skill, training or expertise must be chosen based on accountability, reliability, responsibility, skill, education and training, judgment, integrity and moral worth. These qualifications are not necessarily found in the individual or company that offers the lowest price and the nature of these services are such that they do not readily lend themselves to competitive procurement procedures. In determining whether a service fits 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 or technical services shall include (but not be limited to) the following: services of attorneys, physicians, engineers, accountants; securing insurance coverage; 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: goods or services that must be purchased immediately because a delay to seek alternate proposals may threaten the life, health, safety or welfare of the residents. (This section does not preclude alternate proposals if time permits.)

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

d. Purchases under State and County Contracts: the Town may pursue purchases from state, county and other municipal contracts. Where the purchase is through another municipality or the County, it shall be memorialized with an inter-municipal agreement.

e. Goods purchased from a correctional institution

f. Any goods or services under \$1,000 need not be purchased competitively. The time and documentation required to purchase through this policy may be more costly than the item in this type of circumstance and would therefore not be in the best interests of the taxpayer.

COUNTY OF GREENE
TOWN OF NEW BALTIMORE
TOWN BOARD REGULAR MONTHLY MEETING
DECEMBER 9, 2013 – page 11

DRAFT

g. Purchase of utility services or postage as they are sole source acquisitions.

All vouchers must will include the appropriate documentation listed above, approved by the Chief Financial Officer, to verify that one or more of the sources above were used in the purchasing process. (Supervisor explained that again the Chief Financial Officer is the reviewer.)

All audited claims will be approved by the Town's Chief Financial Officer prior to submission to the Town Clerk for inclusion on the Town's abstract and will include the appropriate account codes.

This policy will be reviewed annually by the Town Board. The Town's Chief Financial Officer will provide training to all employees who have the authority to purchase goods and services. This training will be done within 60 days and documentation of completed training provided for filing to the Town Clerk.

Supervisor asked for changes or corrections, adding that if the Town receives donation or grant to purchase, a grant may have a higher procurement requirement; Town's policy is the minimum standard. A future Board may come in and make a more stringent or more lenient policy, but Supervisor asks that the Comptroller's Office report be taken into consideration. Member of the public asked if the Comptroller's Office had reviewed this. Supervisor answered no, it will be sent to them; they will respond with their comments.

RESOLUTION
DECEMBER 9, 2013

RESOLUTION TO APPROVE CHANGES TO THE TOWN PROCUREMENT POLICY

BE IT RESOLVED that the attached Procurement Policy is hereby adopted, effective December 9, 2013.

Supervisor moved and was seconded by Councilman Norris. No further discussion. The adoption of the foregoing Resolution was duly put to a vote, and upon roll call, the vote was as follows:

ROLL CALL VOTE: BENWAY-AYE FINKE-NAYE MEREDITH-Absent
NORRIS-AYE O'RORKE-AYE
Adopted

Budget Amendments

Supervisor commented that budget amendments are common for this time of year. Donations for summer rec are reported as revenues; we are now expending those. The court grant was not originally anticipated.

RESOLUTION
DECEMBER 9, 2013

RESOLUTION TO AMEND 2013 BUDGET

RESOLVED, that the following amendments to the 2013 budget are hereby adopted:

ACCOUNT CHANGE	CURRENT BUDGET	AMENDED BUDGET
GENERAL FUND APPROPRIATIONS		
A1460.4 RECORDS MANAGEMENT (\$2,600)	\$5,560	\$2,960
A3310.4 TRAFFIC CONTROL (\$2,000)	\$4,200	\$2,200
A5132.4 GARAGE (\$7,000)	\$20,000	\$13,000
A7140.2 PLAYGROUND (\$2,200)	\$2,400	\$200

COUNTY OF GREENE
TOWN OF NEW BALTIMORE
TOWN BOARD REGULAR MONTHLY MEETING
DECEMBER 9, 2013 – page 12

DRAFT

A1620.4 BUILDINGS	\$13,000	\$17,000
\$4,000		
A1420.4 ATTORNEY	\$20,000	\$22,000
\$2,000		
A7310.1 YOUTH PROGRAM	\$1,500	\$4,000
\$2,500		
A7310.4 YOUTH PROGRAM	\$0	\$1,300
\$1,300		
A1110.4 COURT GRANT	\$0	\$4,000
\$4,000		
TOTAL CHANGE		0

Councilman Norris moved and was seconded by Councilwoman Benway. No further discussion. The adoption of the foregoing Resolution was duly put to a vote, and upon roll call, the vote was as follows:
ROLL CALL VOTE: BENWAY-AYE FINKE-AYE MEREDITH-Absent
NORRIS-AYE O'RORKE-AYE
Adopted

**RESOLUTION
DECEMBER 9, 2013**

RESOLUTION TO AMEND 2014 ADOPTED BUDGET

RESOLVED, that the following amendment to the 2014 budget are hereby adopted:

ACCOUNT	CURRENT BUDGET	AMENDED BUDGET	CHANGE
Water District #3 Revenues			
SW1001 Property Taxes	\$ 300	\$ 0	(\$300)
SW2142 Water Rents	\$1000	\$1300	\$300
Total change			0

Supervisor moved and was seconded by Councilman Norris. No further discussion. The adoption of the foregoing Resolution was duly put to a vote, and upon roll call, the vote was as follows:
ROLL CALL VOTE: BENWAY-AYE FINKE-AYE MEREDITH-Absent
NORRIS-AYE O'RORKE-AYE
Adopted

Resolution Honoring Eagle Scout Meacham

Supervisor explained having received invitation, with no November Work Meeting, she had polled the Board, in past practice, approving the resolution and delivered it for his ceremony yesterday.

**RESOLUTION
DECEMBER 9, 2013**

**CONGRATULATING MATTHEW AARON MEACHAM UPON THE
OCCASION OF RECEIVING THE DISTINGUISHED RANK OF EAGLE
SCOUT**

WHEREAS Matthew Meacham, a resident of the Town of New Baltimore, through his diligence and rigorous efforts has achieved Scouting's highest and most prestigious rank,

WHEREAS the Boy Scouts of America and its members are dedicated to the development of character and leadership in our youth,

WHEREAS the highest achievement of leadership in Scouting, earned by less than four percent of all Boy Scouts, is the distinguished rank of Eagle Scout,

COUNTY OF GREENE
TOWN OF NEW BALTIMORE
TOWN BOARD REGULAR MONTHLY MEETING
DECEMBER 9, 2013 – page 13

DRAFT

WHEREAS Matthew has been involved in Scouting for many years, has lived up to Scouting's ideals, and has attained all of the necessary achievements including an extensive project that Matthew planned, organized and managed,

WHEREAS this outstanding young man's perseverance in rising through the ranks to Eagle Scout is a strong indication of his ability to master difficult tasks and will enable him to emerge a leader who will be ready to meet the challenges facing us all in the future, and

WHEREAS this outstanding achievement brings great pride to his family and our community and warrants special recognition.

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Baltimore does hereby acknowledge this meritorious honor and extends its congratulations to Matthew Meacham on the occasion of his achieving the rank of Eagle Scout.

Supervisor moved and was seconded by Councilman Norris. Supervisor commented that Matt's older brother is also an Eagle, always great to see how many follow in the footsteps of an older brother, good students, athletes, and involved in their communities. The adoption of the foregoing Resolution was duly put to a vote, and upon roll call, the vote was as follows:

**ROLL CALL VOTE: BENWAY-AYE FINKE-AYE MEREDITH-Absent
NORRIS-AYE O'RORKE-AYE
Adopted**

Resolution to Approve Payment of Claims

With the Clerk leaving ill, Supervisor asked whether there were any concerns raised in review; she noted the clerk had numbered through 89.

**RESOLUTION
DECEMBER 9, 2013**

RESOLUTION TO AUTHORIZE SUPERVISOR TO PAY AUDITED CLAIMS

WHEREAS the Town Clerk has presented claims to the Town Board for audit and review, and

WHEREAS the Town Board has audited claims 2013 12/01-89, and

BE IT RESOLVED that the Supervisor is hereby authorized to pay claims that have three signatures including the departmental approval, provided that individual is on the Town Board.

BE IT RESOLVED that the Supervisor is hereby authorized to pay claims 2013 12/01-89, and

BE IT FURTHER RESOLVED that the Town Clerk will prepare an abstract and hold it for public review until December 31, 2013.

Councilman Norris moved and was seconded by Councilwoman Benway. No further discussion. The adoption of the foregoing Resolution was duly put to a vote, and upon roll call, the vote was as follows:

**ROLL CALL VOTE: BENWAY-AYE FINKE-AYE MEREDITH-Absent
NORRIS-AYE O'RORKE-AYE**

Adopted

Supervisor commented that another meeting may be required in this month, asked Board to check their calendars for December 19 early evening and December 20 in late afternoon and to respond to her, for the purpose of paying the last invoices. Supervisor will call special meeting within 48 hours.

Councilman Norris asked whether the December 23, 2013 Work Meeting had been cancelled.

COUNTY OF GREENE
TOWN OF NEW BALTIMORE
TOWN BOARD REGULAR MONTHLY MEETING
DECEMBER 9, 2013 – page 14

DRAFT

MOTION
DECEMBER 9, 2013

MOTION TO CANCEL DECEMBER WORK MEETING

Supervisor moved to cancel the December 23, 2013 Work Meeting, and was seconded by Councilwoman Benway. The adoption of the foregoing Motion was duly put to a vote, and the vote was as follows:

BENWAY-AYE FINKE-AYE MEREDITH-Absent
NORRIS-AYE O'RORKE-AYE
Motion Carried

Ellie Alfeld asked to remind all of Food and Fun Community Luncheon, baked ham and scalloped potatoes is Wednesday, December 11; call for reservations.
Rich Guthrie asked to remind all of New Baltimore Fire District commissioner election tomorrow evening, December 10; hours are posted.

ADJOURNMENT

Supervisor felt tonight's good turnout was a good sign that Town residents are concerned as to how the Town Board is handling its procurement policy. Supervisor added that in her terms serving as town supervisor, Ellie Alfeld has not been alone in coming out to meetings. [laughter]

Supervisor has enjoyed getting to know many residents, many of them present tonight, a very rewarding experience; she has enjoyed working with the staff here at Town Hall, at Highway, and at Wastewater Treatment Plant, a good group of employees and, until you have the opportunity to sit in these seats, you do not realize how hard they work and how dedicated they are.

Supervisor, with regard to Attorney Wukitsch, related the time needed by most of her colleagues to hear back from their attorney; whether emailed on night, weekend, holiday, he has always returned her question, and wonderful to deal with through the years.
[applause]

Hearing no more from the Board or the public, Supervisor moved and was seconded by Councilman Norris. The adoption of the foregoing Motion was duly put to a vote, and the vote was as follows:

BENWAY-AYE FINKE-AYE MEREDITH-Absent
NORRIS-AYE O'RORKE-AYE
Motion Carried

The meeting was adjourned at 8:27 pm.

Respectfully submitted,

Janet A. Brooks
Town Clerk