

**Town Board Meeting
February 16, 2017
7:30 p.m.**

Present: Supervisor Neil Bettez, Councilman Dan Torres, Councilwoman Seyfert-Lillis.

Absent: Councilman Jeff Logan, Councilman Marty Irwin.

At 7:32 p.m. a motion was made by Councilman Torres to open the meeting with the pledge. Seconded by Councilwoman Seyfert-Lillis, all aye votes cast, motion carried.

Agenda: +Proposed Moratorium

A motion was made by Supervisor Bettez to adopt the agenda as amended. Seconded by Councilman Torres, all aye votes cast, motion carried.

Presentation-Roost Youth Group:

Marcy Bernstein indicated that she has been working with students from the High School to come up with a draft design for a mural at the Community Center. The students explained that they spoke to the Town historian to decide which aspects of the history of New Paltz they wanted to incorporate into the mural. They welcome any suggestions from the Town Board. They hope to have the mural done by the end of April.

Presentation-Paul Costa, Mobilite Cellular:

Mr. Costa explained that Mobilite Cellular would like to install one small cell site in the Town's right-of-way in the Cherry Hill Road area. The facility would include a 72 foot wooden utility pole with equipment attached to it. The proposed facility will improve the coverage area in an approximately 300-foot radius around the site. Supervisor Bettez indicated that the Town Board will work with the Planning Board on how to move forward.

Parade Permits:

A motion was made by Supervisor Bettez to approve the Parade Request by the New Paltz Church Council for Palm Sunday. Seconded by Councilman Torres, all aye votes cast, motion carried.

A motion was made by Supervisor Bettez to approve the Parade Request by the Cystic Fibrosis Foundation for the Spring Duathlon. Seconded by Councilman Torres, all aye votes cast, motion carried.

Acceptance of Minutes:

A motion was made by Supervisor Bettez to accept the minutes of *February 2, 2017*. Seconded by Councilwoman Seyfert-Lillis, all aye votes cast, motion carried.

Set date for Fireworks:

A motion was made by Supervisor Bettez to set the date for the Fireworks Celebration for Friday, June 30th, with a rain date of Saturday, July 1st. Seconded by Councilman Torres, all aye votes cast, motion carried.

Fireworks Celebration Contracts:

A motion was made by Supervisor Bettez to approve the contract with Fireworks Extravaganza and the contract with the Ulster County Agricultural Society for the fairgrounds for the Fireworks Celebration. Seconded by Councilman Torres, all aye votes cast, motion carried.

URGENT & UCERT Contracts:

A motion was made by Supervisor Bettez to approve the URGENT and UCERT Contracts. Seconded by Councilman Torres, all aye votes cast, motion carried.

ResolutionA2246-Town Control of Pipeline Siting:

A motion was made by Supervisor Bettez to adopt the following resolution:

**RESOLUTION – REQUESTING STATE LEGISLATIVE REPRESENTATIVES TO SPONSOR/CO-SPONSOR ASSEMBLY
BILL 2446 AMENDING SECTION 87 OF THE TRANSPORTATION CORPORATIONS LAW IN RELATION TO
CONSTRUCTION OF PIPELINES**

WHEREAS, the proposed construction of major new oil pipelines will impact the lands and communities of the Town of New Paltz and 31 other towns, cities, and villages in the Hudson Valley, Catskill Region and Capital District, raising issues of safety, public health, and economic injury of concern to local government; and

WHEREAS, Section 87 of the Transportation Corporations Law gives Villages and Cities important powers over the oil pipeline siting process, allowing them to disapprove the construction of such pipelines through their jurisdictions; and **WHEREAS**, under said section of law, Towns do not have comparable authority; and **WHEREAS**, extending such authority to Towns is appropriate and consistent with Municipal Home Rule; and **WHEREAS**, Assembly Member Frank Skartados has introduced Assembly Bill 2446 to amend Section 87 of the Transportation Corporations Law to extend this power to Towns, giving Towns parity with Villages and Cities. **NOW THEREFORE BE IT RESOLVED**, that the Town Board of the Town of New Paltz hereby requests that State Senator John J. Bonacic sponsor the same bill in the New York State Senate; and **BE IT FURTHER RESOLVED**, that the Town Board of the Town of New Paltz requests that Assembly Member Kevin A. Cahill to co-sponsor Assembly Bill 2446; and **BE IT FURTHER RESOLVED**, that the Town Board of the Town of New Paltz urges its State Legislative Representatives to support passage of this important legislation in the 2017 Legislative Session; and **BE IT FURTHER RESOLVED**, that the New Paltz Town Clerk is hereby directed to provide a copy of this resolution to Senator John J. Bonacic, Assembly Member Kevin A. Cahill, Senate Temporary President and Majority Leader John J. Flanagan, Assembly Speaker Carl E. Heastie and Governor Andrew M. Cuomo.

Seconded by Councilwoman Seyfert-Lillis, all aye votes cast, motion carried.

Resolution-Walkill River Watershed Alliance:

A motion was made by Supervisor Bettez to adopt the following resolution:

RESOLUTION SUPPORTING FUNDING OF THE ENHANCED MONITORING STUDY OF THE WALLKILL RIVER

WHEREAS, the Wallkill River flows through the Village & Town of New Paltz, and **WHEREAS**, the river is a vital and active source of recreation and habitat, and **WHEREAS**, ongoing testing by independent scientists has established credible data that indicates that the Wallkill River has elevated levels of bacteria on an ongoing basis, and **WHEREAS**, a 2016 Harmful Algae Bloom occurred and persisted in the Wallkill River for over 30 miles and more than eight continuous weeks, and **WHEREAS**, the Wallkill River Watershed Alliance (WRWA) is a respected and credible volunteer organization which promotes a return to health of the Wallkill River, and **WHEREAS**, the Wallkill River Watershed Alliance has called on representatives of the New York State Legislature to fund a major study of the Wallkill River: the Department of Environmental Conservation's proposed "Enhanced Monitoring Study" of the Wallkill River for the current year's budget, **Therefore, be it resolved** that the Town of New Paltz supports the Wallkill River Watershed Alliance and adds its voice to those requesting funding for the DEC's proposed Enhanced Monitoring Study of the Wallkill River. **BE IT FURTHER RESOLVED**, that the New Paltz Town Clerk is hereby directed to provide a copy of this resolution to Senator John J. Bonacic, Assembly Member Kevin A. Cahill, Senate Temporary President and Majority Leader John J. Flanagan, Assembly Speaker Carl E. Heastie and Governor Andrew M. Cuomo.

Seconded by Councilman Torres, all aye votes cast, motion carried.

Service Agreement-ALP Recycling:

A motion was made by Supervisor Bettez to approve the service agreement with ALR Recycling.

Seconded by Councilman Torres, all aye votes cast, motion carried.

Service Agreement-Alter Enterprises:

A motion was made by Supervisor Bettez to approve the service agreement for remote backup with Alter Enterprises. Seconded by Councilman Torres, all aye votes cast, motion carried.

Procurement Policy:

A motion was made by Supervisor Bettez to adopt the revised "Schedule B" Procurement Policy.

Seconded by Councilman Torres, all aye votes cast, motion carried.

Attached hereto and made a part hereof and marked "Schedule B" is a list identifying the individual or individuals responsible for purchasing under this Procurement Policy and their respective titles.

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 will be spent in a year. The following items are not subject to competitive bidding pursuant to §103 of the General Municipal Law: purchase contracts under \$20,000.00 and public works contracts under \$35,000.00; emergency purchases; goods purchased from agencies for the blind or severely handicapped; goods purchased from correctional institutions; purchases under State and County contracts; and surplus and second-hand purchases from another governmental entity.

The decision that a purchase is not subject to competitive bidding will be documented in writing by the individual making the purchase. This documentation 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 lead to 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 quotations, verbal quotations, or any other method that assures that goods will be purchased at the lowest price and that favoritism will be avoided, except in the following circumstances: purchase contracts over \$20,000.00 and public works contracts over \$35,000.00; goods purchased from agencies for the blind or severely handicapped pursuant to §175-b of the State Finance Law;

goods purchased from correctional institutions pursuant to §186 of the Correction Law; purchases under State contracts pursuant to §104 of the General Municipal Law; purchasers under county contracts pursuant to §103(3) of the General Municipal Law; or purchases pursuant to subdivision 6 of this policy.

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

Estimate Amount of Purchase Contract	
\$1,000.00 - \$4,999.00	3 verbal or telephone quotations
\$5,000.00 - \$20,000.00	3 written/fax quotations or written RFP
Estimate Amount for Public Works Method Contract	
\$1,000.00 - \$14,999.00	3 verbal or telephone quotations
\$15,000.00 - \$35,000.00	3 written/fax quotations or written RFP

Note that 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 the procurement.

Documentation is required of each action taken in connection with each procurement.

Documentation and an explanation is required whenever a contract is awarded to other than the lowest responsible offer or. This documentation will include an explanation of how the award will achieve savings or how the offeror was not responsible. A determination that the offeror is not responsible shall be made by the purchaser and may not be challenged under any circumstances.

Pursuant to General Municipal Law §104-b(2)(f), the procurement policy may contain circumstances when, or types of procurements for which, in the sole discretion of the governing body, the solicitation of alternative proposal or quotations will not be in the best interest of the municipality. In the following circumstances it may not be in the best interest of the Town of New Paltz to solicit quotations or document the basis for not accepting the lowest bid:

Professional services or services requiring special or technical skill, training of expertise: The individual or company 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 an attorney; services of a physician; technical services of a physician; technical services of an engineer 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 of programming services for customized programs, or services involved in substantial modification and customizing of pre-packaged software.

Emergency purchases pursuant to §103(4) of the General Municipal Law: Due to nature of this exception, these goods or services must be purchased immediately and a delay in order to seek alternate proposals may threaten the life, health, safety and welfare of the residents. This section does not preclude alternate proposals if time permits.

Purchases of surplus and second-hand goods from any source: 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.

Goods or services under \$1,000.00: The time and documentation required to purchase through this policy may be more costly than the item itself and would therefore not be in the best interests of the taxpayers. In addition, it is not likely that such de minimis contracts would be awarded based on favoritism.

As of 8-18-2016 with the passage of Local Law #2 (§ 36) The Town is allowed to use Best Value Procurement, which provides additional procurement, options to localities designed to expedite the procurement process and result in cost savings while considering selection and evaluation criteria that measure factors other than cost in the strictest sense. Best value procurement links the procurement process directly to the municipality's performance requirements, incorporating selection factors such as useful lifespan quality and options and incentives for more timely performance and/or additional services.

Where the basis for award is the best value offer, the Department Head or other person authorized by the Town for purchasing apparatus, materials, equipment or supplies, or to contract for services related to the installation, maintenance or repair of apparatus, materials, equipment, and supplies, shall document, in the procurement record and in advance of the initial receipt of offers, the determination of the criteria and the process to be used in the determination of best value and the manner in which the evaluation process and selection is to be conducted.

Where the basis for award is the best value offer, the Department Head or other person authorized by the Town for purchasing apparatus, materials, equipment or supplies, or to contract for services related to the installation, maintenance or repair of apparatus, materials, equipment, and supplies, shall follow the process provided under the Town Procurement Policy and document such process in the procurement record. The process shall include, but shall not be limited to, a clear statement of need; a description of the required specifications governing performance and related factors; a reasonable process for ensuring a competitive field; a fair and equal opportunity for offerors to submit

responsive offers; a balanced and fair method of award; and a statement demonstrating the reasons why best value is expected to be achieved.

Except as otherwise provided by Town Law, no claim against the town shall be paid unless an itemized voucher , indicating the date, nature and amount of each item for which payment is sought and should contain enough information to clearly indicate that the charge was one authorized by law. This voucher will be accompanied by a statement of the officer whose action gave rise to the claim, that he/she approves the claim, and that the service was actually rendered or supplies or equipment actually delivered. All signed delivery slips/bills of lading with the invoice shall be attached to the voucher.

As a town which practices a full encumbrance system, no expenditure shall be made or committed to, until a purchase order has been approved indicating that the funds are available. Requested purchase orders will be based upon an actual estimate and approved amounts are specific to the budget line on the face of the voucher.

Schedule B
List of Individuals and Titles Responsible for Purchasing under Town of New Paltz Procurement Policy

Department Primary	Primary Individual/Title	Secondary Individual/Title
Assessor	Tricia Masterson, Assessor	Karen Verney, Assistant
Bookkeeping/Payroll	Arlene Weber, Bookkeeper	
Building Department	Stacy Delarede, Building Inspector	
B&G/Water & Sewer	Chris Marx, Dept. Supervisor	
Courts	Jim Bacon, Jon Katz	Becky Seward, Court Clerk
Central Purchasing (all Depts.)	Jean Gallucci, Arlene Weber	
Community Improvement	Sue Stegen, Chair	
Historic Preservation	John Orfitelli, Chair	
Highways	Chris Marx, Highway Supt	Carol West, Secretary
Planning Board	Adele Ruger, Co-Chair Lagusta Yearwood, Co-Chair	Patricia Atkins, Secretary
Police Department	Joe Snyder, Chief	Theresa Hart, Dept. Secretary
Recreation	Chuck Bordino, Dept. Supervisor	
Recycling	Laura Petit, Recycling Supervisor	
Town Clerk	Rosanna Mazzaccari, Town Clerk	
Youth	Jim Tinger, Dept. Head	
Zoning Board of Appeals	Ed Burke, Chair	Patricia Atkins, Secretary

Also authorized for each department/committee are:
Neil Bettez, Town Supervisor
Daniel Torres, Deputy Town Supervisor
Kathy Preston, Confidential Secretary

Resolution-Urban & Community Forestry Grant Application:

A motion was made by Supervisor Bettez to adopt the following resolution:

Resolution for Joint New Paltz Urban & Community Forestry Grant Application

WHEREAS, the Village of New Paltz Shade Tree Commission (STC) and the Town of New Paltz Environmental Conservation Board (EnCB) are jointly applying to the New York State Department of Environmental Conservation for a project grant under the Urban and Community Forestry Program to be located in the Village and Town of New Paltz,
WHEREAS, as a requirement of these programs, said Commission and Board must obtain the "approval/ endorsement of the governing body of the municipality in which the project will be located",
WHEREAS, the Village Board of the Village of New Paltz is entertaining a similar resolution for a joint New Paltz Urban & Community Forestry Grant Application,
NOW THEREFORE, BE IT RESOLVED that the Town of New Paltz Town Board does hereby approve and endorse the application of the Village Shade Tree Commission and the Town Environmental Conservation Board for a grant under the Urban and Community Forest Program for a project known as the "Tree Inventory and Management Plan for the Village of New Paltz and the Town of New Paltz", with the Village as the organization that will take the lead on submitting the final application.

Seconded by Councilwoman Seyfert-Lillis, all aye votes cast, motion carried.

Proposed Moratorium:

A motion was made by Supervisor Bettez to allocate an additional \$1,000 to cover the cost for the attorney to come to the next Board meeting for a discussion and to answer questions. Seconded by Councilman Torres, all aye votes cast, motion carried.

Warrant:

A motion was made by Supervisor Bettez to approve the February Warrant in the amount of \$1,580,609.87. Seconded by Councilwoman Seyfert-Lillis, all aye votes cast, motion carried.

Executive Session:

At 8:09 p.m. a motion was made by Supervisor Bettez to go into executive session for the purposes of discussion personnel. Seconded by Councilman Torres, all aye votes cast, motion carried.

At 8:26 p.m. a motion was made by Supervisor Bettez to come out of executive session. Seconded by Councilman Torres, all aye votes cast, motion carried.

Resignation:

A motion was made by Supervisor Bettez to accept the resignation of Diane Lee. Seconded by Councilman Torres, all aye votes cast, motion carried.

Job Listing for Account Clerk:

A motion was made by Supervisor Bettez to approve placing an ad in the New Paltz Times for a part-week Account Clerk, to replace Diane Lee. Seconded by Councilwoman Seyfert-Lillis, all aye votes cast, motion carried.

Health Insurance Contribution:

A motion was made by Supervisor Bettez to implement the health insurance contribution from Union Contract that was in effect for two specific employees that were hired in 2011. Seconded by Councilman Torres, all aye votes cast, motion carried.

A motion was made by Supervisor Bettez to defer to the Union in terms of the health insurance contribution for one specific employee that was hired in 2013. Seconded by Councilman Torres, all aye votes cast, motion carried.

A motion was made by Supervisor Bettez to not change the health insurance contributions for the employees not covered by a union contract until after the open enrollment period and that the new rate will take effect January 1, 2018. Seconded by Councilman Torres, all aye votes cast, motion carried.

Budget Modification:

A motion was made by Supervisor Bettez to approve the following modification to the 2017 budget:

Increase: DA599	Appropriated Fund Balance	\$69,652.00
Decrease: DA960	Appropriations	\$ 1,992.00
Decrease: DA5120.100	Bridges-Personnel Svcs.	\$ 1,992.00
Increase: DA960	Appropriations	\$69,652.00
Increase: DA5120.100	Supt. Of Highways Serv.	\$69,652.00
Decrease: DB960	Appropriations	\$69,652.00
Decrease: DB3310.100	Traffic Control-P.S.	\$ 3,320.00
Decrease: DB5110.100	General Repairs-P.S.	\$49,289.00
Decrease: DB5140.100	Brush & Weeds-P.S.	\$ 1,328.00
Decrease: DB5142.100	Snow Removal-P.S.	\$15,715.00
Increase: DB909	Unreserved Fund Balance	\$69,652.00

Reason: To move the Deputy Highway Superintendent's salary to the correct fund.

Seconded by Councilwoman Seyfert-Lillis, all aye votes cast, motion carried.

Civil Service Title:

Supervisor Bettez indicated that Civil Service does not have a job title for a Foreman position, only a Working Supervisor. The Town has to decide if it wants to classify the current Foreman under that position or under the Working Supervisor Title. The Foreman title would require the Town to complete paperwork creating that title. The Town Board will wait for a recommendation from the Highway Superintendent.

At 8:35 p.m. a motion was made by Supervisor Bettez to adjourn the meeting. Seconded by Councilman Torres, all aye votes cast, motion carried.

Respectfully Submitted,

Rosanna Mazzaccari
Town Clerk