

**TOWN BOARD SPECIAL MEETING
May 1, 2024
11:30AM**

Supervisor Holdridge opened the meeting at 11:30am.

Attendance Rollcall:

Supervisor Holdridge	Present <u> x </u>	Absent <u> </u>
Council Member Ardisana	Present <u> x </u>	Absent <u> </u>
Council Member Becker	Present <u> x </u>	Absent <u> </u>
Council Member Courtenay	Present <u> x </u>	Absent <u> </u>
Council Member Dysinger	Present <u> x </u>	Absent <u> </u>

Determination of Quorum: Yes X No

Also present: Elizabeth Cassidy, Esq.

Pledge of Allegiance

PUBLIC COMMENTS

There were none.

SUGAR LOAF CHAMBER OF COMMERCE SPRING FESTIVAL ROAD CLOSURE AND USAGE REQUESTS

ON A MOTION OFFERED BY Council Member Courtenay and second by Council Member Ardisana to approve the road closure of Kings Highway, as per route, from 7am to 6pm on May 4 and May 5, 2024 for the Sugar Loaf Chamber of Commerce Spring Festival.

VOTE AYES(5): Holdridge, Ardisana Becker, Courtenay, Dysinger **ADOPTED**

ON A MOTION OFFERED BY Council Member Courtenay and second by Council Member Ardisana approve the use of the front lawn of the Sugar Loaf Performing Arts Center property and waive the fee, subject to insurance requirements from the Sugar Loaf Chamber of Commerce and bounce house for Spring Festival on May 4 and May 5, 2024.

VOTE AYES(5): Holdridge, Ardisana Becker, Courtenay, Dysinger **ADOPTED**

PROCUREMENT POLICY AMENDMENT

ON A MOTION OFFERED BY Council Member Becker and second by Council Member Dysinger to amend the procurement policy of the Town of Chester.

Discussion: Attorney Cassidy explained the amended policy will bring the Town’s current policy in line with NYS default 103 which calls for up to \$20,000 for goods and \$35,000 for labor before requiring sealed bids. The policy will be updated when we move from a voucher system to a requisition system. Comptroller Meyer said the Highway Department has agreed to work within the constraints of the amended policy for the time being.

Town of Chester
Town Board

RESOLUTION TO ADOPT A PROCUREMENT POLICY
(Revised 5/1/24)

WHEREAS, General Municipal Law § 104-b requires the governing board of every political subdivision to adopt internal policies and procedures governing all procurements of goods and services which are not required to be made pursuant to competitive bidding requirements.

NOW THEREFORE, BE IT RESOLVED, the Town Board hereby adopts the following procurement policy.

1. **Purpose:**

The Town of Chester (TOC) procurement policy serves to standardize the purchasing procedures of the Town, as well as provide a centralized and controlled means to procure goods and services. In addition, the policy addresses employee travel and entertainment expenses incurred while performing Town business or travelling on Town business. The goals of the policy are the following:

- Create a centralized and uniform purchasing procedure that is applicable to all TOC employees authorized to purchase goods and services and for vendors performing work on behalf of and for the Town.
- Provide absolute clarity of what is expected of employees authorized to purchase goods and services on behalf of the TOC, as well as what is expected of those employees not authorized to purchase goods and services.
- To define and provide an understanding of non-recurring purchases, blanket or contract purchases, competitive bidding purchases, and emergency purchases.
- To provide guidelines in the procurement of goods and services from vendors in a fair and equitable manner.
- To provide a policy for employee travel and entertainment.
- To establish the duties and responsibilities of the TOC Supervisor, Councilmen, Department Heads, and any other employees authorized to purchase goods and services.
- To save the Town taxpayers money and increase public confidence that the TOC has a comprehensive procurement policy in place and is spending taxpayer dollars in a manner that is most efficient and advantageous to the taxpayer.
- This policy is adopted pursuant to General Municipal Law § 104-b and is intended to apply to all procurement for all services below \$ 35,000 and all goods below \$ 20,000. Services and goods above these thresholds shall be subject to competitive bidding in accordance with New York General Municipal Law § 103 et. seq.

2. **Bidding Procedure:**

The Department Head responsible for making a purchase shall make a good faith determination whether such purchase is subject to competitive bidding. Purchases that are not subject to competitive bidding include:

- Expenditure to be less than \$20,000 for the purchase of commodities
- Expenditure to be less than \$35,000 for a public work contract
- Emergency purchases as authorized by General Municipal Law § 103
- Purchases made under State or County contracts through the New York State Office of General Services
- Purchases of surplus and second-hand supplies from the federal government, the state of New York or from any other political subdivision, district or public benefit corporation.
- Professional Services including but not limited to legal, engineering, accounting, investing, property management, and computer services
- Purchases made pursuant to Correction Law § 186
- Purchases made pursuant to Finance Law § 175-b
- Purchases where the goods or services required may only be obtained through a single source so that there is no possibility of competition.

- Any purchase specifically exempted from competitive bidding requirements under New York State Law.

a. **Procurement Subject to Competitive Bidding:**

Any purchase subject to competitive bidding shall be made in accordance with General Municipal Law § 103.

Notwithstanding the above, the Town Board reserves the right to use competitive bidding for any expenditure if it determines that such competitive bidding is in the best interest of the Town.

b. **Procurements Not Subject to Competitive Bidding:**

The Department Head shall document any decision that a purchase is not subject to competitive bidding in writing using the form attached to this resolution. This documentation may include written or verbal quotes from vendors, a memo of the contract indicating the source which makes the item or service exempt, a memo from the Department Head detailing the circumstances of any emergency purchase, or any other written documentation as may be appropriate. Unless budgeted, **any expenditure over \$ 5,000 regardless of whether competitive bidding is required must be approved by the Town Board.**

The procurement of goods and services which is not subject to competitive bidding shall be made in accordance with the following procedure:

Estimated Amount of Purchase Contract	Method of Procurement
\$ 0 - \$ 5000	The Department Head may make a purchase of less than \$5,000 provided that there are available funds within the Department Head's budget. If there are insufficient funds available in the Department Head's budget, the expenditure must be authorized by the Town Board.
\$ 5,000.01-\$19,999.99	Department Head must obtain three quotes and present them to the Town Board for approval. In the event a Department Head is unable to obtain three quotes, he or she may document his or her efforts to obtain quotes. Failure to obtain the required number of quotes shall not be a bar to procurement.
\$20,000+	Competitive Bidding pursuant to GML unless exemption applies. All requests to procure goods in excess of \$20,000 without competitive bidding shall be reviewed and approved by the Town Attorney and Town Board.
Estimated Amount of Public Works or Services Contracts	Method of Procurement
\$ 0 - \$ 5000	The Department Head may make a purchase of less than \$5000.00 provided that there are available funds within the Department Head's budget. If there are insufficient funds available in the Department Head's budget, the expenditure must be authorized by the Town Board.
\$5000.01-\$34,999.99	Department Head must obtain three quotes and present them to the Town Board for approval. In the event a Department Head is unable to obtain three quotes he or she may document his or her efforts to obtain quotes. Failure to obtain the required number of quotes shall not be a bar to procurement.
\$35,000+	Competitive Bidding pursuant to GML unless exemption applies. All requests to procure goods in excess of \$35,000 without competitive bidding shall be reviewed and approved by the Town Attorney and Town Board.

c. **Emergency Purchases:**

There are instances where it is necessary to make an emergency purchase. In these rare cases, the purchase requisition and associated P.O. will be obtained after the emergency purchase. As a consequence, the competitive bidding process will also not be applicable. Emergency purchases are defined as purchases necessary to:

- Prevent a critical operation from failing (sewer, water)
- Preserve public safety and health, or prevent an event creating a safety issue or health concern
- Prevent a disaster

To the extent practical, a Department Head shall notify and obtain approval from the Town Supervisor, or his/her designee in their absence, prior to making an emergency purchase. In the event a Department Head cannot notify and obtain approval from the Supervisor or his/her designee prior to making the purchase, he or she must notify the Supervisor as soon as possible after the purchase.

An emergency purchase must not be made as a result of poor planning.

3. Where alternative proposals are required, Department Head shall obtain 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. A good faith effort shall be made to obtain the required number of proposals or quotations.
4. Each Department Head is hereby authorized to make a purchase, or enter into a contract, for an amount less than \$5000.00. 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 taxpayer. Such expenditure is subject to availability of funds in the Department Head's budget. If there are insufficient funds to cover the expenditure, the Department Head shall submit the proposed expenditure to the Town Board for approval and appropriation.
5. In all cases above, the Town Comptroller should be consulted before a purchase is made to verify that there are ample funds in the budget to pay for the goods and/or services.

6. **Competitive Bidding**

For goods and services that are required to be competitively bid, a Department Head will follow the procedures detailed below:

- Notify and obtain approval from the Town Board to proceed with a competitive bidding process.
- Upon approval, the Department Head shall prepare specifications of the goods and services sought and submit such specifications to the Town Attorney to prepare a bid package. The Department Head may consult with Town consultants such as the Town Engineer as may be appropriate.
- The bid package shall contain the following items including but not limited to:
 - Bid specifications for the goods or services sought.
 - Contract terms
 - Insurance requirements
 - Non-collusion statement
 - Performance bond requirements
- Upon completion of the bid package, the Town Board shall vote to approve the bid package and a bid opening date.
- The Town Clerk shall cause appropriate notice to be published in the official newspaper.
- Where the bid package is voluminous and/or contains plan sets, the Town may require a bid deposit to be paid to the Town Clerk until such time as the bid package materials are returned to Town Hall.
- Upon the opening of sealed bids, the Town Board may either reject all bids or award the contract to the lowest responsible bidder in its total and absolute discretion. The lowest responsible bidder is not necessarily the lowest cost bidder.
- Upon the award and approval of the contract, a purchase order shall be issued in accordance with section 5(b) above.
- The Town Comptroller should be consulted before a purchase is made to verify that there are ample funds in the budget to pay for the goods and/or services.

7. Local Vendor Preference:

Notwithstanding other grant restrictions or statutory requirements that supersede the competitive bidding requirements of this Policy, the TOC Supervisor and Town Board may award the bid contract to a vendor having his/her principal place of business in the Town of Chester subject to the following conditions:

- Only a Town-based business shall qualify for this preference. The term “Town-based business” shall mean a business that has its principal business operations within the Town of Chester’s boundaries. The vendor shall provide adequate proof substantiating a bona fide principal place of business in the Town of Chester. Such evidence may include ownership papers, lease agreement or proof of payment of local business property taxes.
 - The local bidder’s price shall not be more than 10% of the lowest qualified bid. If more than one qualified local business submits a bid, then the business with the lower responsible bid shall receive the local preference.
8. Prior to issuance of any payment regardless of value, the following documents must be provided to the Town Comptroller:
- W-9
 - Certificate of Insurance for vendors/contractors entering Town of Chester property.
 - Proof of prevailing wage being paid to workers (if applicable).
 - Approved and signed contract and associated documents, purchase requisition and purchase order approved by vendor.
9. The Town of Chester is tax exempt from Sales Tax. Vendors must be informed of this fact. Invoices with sales tax included will not be paid and returned to the Department Head for correction. Department Heads and employees authorized to purchase should avoid paying for purchases/services with their own funds (due to sales tax being paid) and subsequently seeking reimbursement from the TOC.
10. To the extent that New York State Laws and Regulations regarding procurement conflict with this policy, said laws and regulations shall govern.
11. This policy shall go into effect immediately and will be reviewed annually.

Motion by: _____

Second: _____

Vote: _____

TOWN OF CHESTER
PURCHASE REQUISITION FORM

Department: _____

Description of Goods/Services sought: _____

Competitive Bidding Required? (Circle 1) Yes/No (if No, check a box below)

- Less than \$20,000 for goods
- Less than \$35,000 for public works contract
- Emergency Purchase (Town Board and Town Attorney approval required)
- Professional Services (Town Board and Town Attorney approval required)
- State or County Contract (Town Board and Town Attorney approval required)
- Second hand/surplus goods (Town Board and Town Attorney approval required)
- Other: _____ (Town Board and Town Attorney approval required)

If Competitive Bidding is required, refer to Town Board and Town Attorney for preparation of a bid package and approval.

Item less than \$5000.00? Yes/No

If Yes:

Funds available in budget?

____ Yes: Approved by Town Comptroller _____ Date: _____

____ No: Town Board Approval Required

If No:

For expenditures greater than \$5000.00, please provide the name of the provider and the price quoted. If quotes are written, please attach the written quotes to this form.

Quote 1:

Name: _____ Price: _____

Quote 2:

Name: _____ Price: _____

Quote 3:

Name: _____ Price: _____

If not lowest provider, please explain why:

Action by Town Board on _____.

Motion by: _____, Second _____, Vote _____

Requisition Number: _____

Purchase Order Number: _____

VOTE AYES(5): Holdridge, Ardisana Becker, Courtenay, Dysinger

ADOPTED

RESOLUTION AUTHORIZING DEPUTY SUPERVISOR BECKER TO SIGN CHLORINATION SYSTEM APPLICATION

ON A MOTION OFFERED BY Council Member Dysinger and second by Council Member Courtenay to authorize Deputy Supervisor Becker to sign the Chlorination System application with the Orange County Health Department for the Sugar Loaf Performing Arts Center.

VOTE AYES(5): Holdridge, Ardisana Becker, Courtenay, Dysinger

ADOPTED

New Business

RESOLUTION TO APPOINT SUPERVISOR HOLDRIDGE AS MARRIAGE OFFICIANT FOR THE TOWN OF CHESTER

ON A MOTION OFFERED BY Council Member Courtenay and second by Council Member Ardisana to appoint Brandon Holdridge as Marriage Officiant for the Town of Chester.

VOTE AYES(4): Ardisana Becker, Courtenay, Dysinger, ABSTAIN(1): Holdridge

ADOPTED

ENERGY RATES

Comptroller Meyer addressed the Town Board on the matter of energy rates. He explained the rates are coming down and currently the market rate is \$.075 for mixed green/brown. He provided information on fixed rate options.

\$.106 – 24 months green
\$.101 – 18 months green
\$.096 – mixed rate.

The consensus was for 18-month green energy at \$.101. Comptroller Meyer to provide contract information.

SUGAR LOAF WATER DISTRICT ELECTRIC WORK

ON A MOTION OFFERED BY Council Member Becker and second by Council Member Dysinger to approve the electric hook-up for the pump at the Sugar Loaf Water District by Kode Electric in the amount of \$2,552.56

VOTE AYES(5): Holdridge, Ardisana Becker, Courtenay, Dysinger

ADOPTED

SUGAR LOAF WATER DISTRICT WELL PUMP INSTALLATION SERVICE

ON A MOTION OFFERED BY Council Member Becker and second by Council Member Dysinger to approve the purchase and installation of well pump and pit-less adaptor for the Sugar Loaf Water District Well 3 by low bidder Roarke Well Drilling, Inc. in the amount of \$27,163.14.

Quotes obtained:
Roarke Well Drilling, Inc. \$27163.14
Quackenbush Water Systems Co., Inc. \$27,450.00
Turnbull Well Drilling \$28,000.00

VOTE AYES(5): Holdridge, Ardisana Becker, Courtenay, Dysinger

ADOPTED

PERMIT ISSUES

Kristin Palmer, Parks Department addressed the Board concerning the additional requirement in regard to liability insurance for a park pavilion rental. She said the applicant expressed the cost would exceed the rental fee. Kristin explained it is for a 2–4-hour rental and have had no issues in the past. It was the consensus to keep the status quo. Kristin also addressed an issue with a travel group at Carpenter Field. She explained the police were called and there was an altercation following. Attorney Cassidy will follow up on the matter and there would be no permit issued for this group at this time.

PUBLIC COMMENTS

Lydia Cuadros, via FB, asked if the chlorination for the SLPAC is for the existing or new well. Council Member Becker explained it is a requirement of the Orange County Health Department to have the existing well be in compliance.

ADJOURNMENT

ON A MOTION OFFERED BY Council Member Ardisana and second by Council Member Courtenay to adjourn the meeting at 12:10pm, there being no further business brought before the Town Board.

VOTE AYES(5): Holdridge, Ardisana Becker, Courtenay, Dysinger

ADOPTED

Respectfully submitted,

Linda A. Zappala
Town Clerk
2024-05-01