

Catskill Town Board Committee Meeting
Catskill Town Hall
April 21, 2010 6:30 pm

Attendance: Peter Markou, Supervisor
Robert Antonelli, Councilman
Patrick Walsh, Councilman
Michael Smith, Councilman
Kevin Lennon, Councilman
Elizabeth Izzo, Town Clerk

Supervisor Markou opened the meeting with a moment of silent prayer and the Pledge of Allegiance. He welcomed all in attendance.

The following resolution was reviewed and adopted:

RESOLUTION # 42-2010

APPOINTMENT Town of Catskill
CODE ENFORCEMENT OFFICER

Councilman Smith presented the following for consideration and adoption,

WHEREAS, Linda Speckman, the Town of Catskill Code Enforcement Officer had submitted her resignation February 17, 2010, and

WHEREAS, the Town Board wishes to fill this vacancy, so

THEREFORE WE, the Catskill Town Board hereby appoint Bryant Arms the Town of Catskill Code Enforcement Officer on a provisional basis effective April 22, 2010 at a salary of \$38,000.

Councilman Antonelli seconded this motion.

Ayes 5 Nays 0 Absent 0 Carried

The following resolution was discussed and adopted:

RESOLUTION # 43-2010

TOWN OF CATSKILL PROCUREMENT
POLICY

Councilman Antonelli presented the following for consideration and adoption,

WHEREAS, Section 104-b of the General Municipal Law (GML) requires every Town to adopt internal policies and procedures governing all procurement of goods and services not subject to bidding requirements of GML Section 103, or any other law, so

THEREFORE BE IT RESOLVED, that the Town Board of the Town of Catskill hereby adopt the following amended procurement policy and procedure:

GUIDELINE 1. Every prospective purchase of goods or services shall be evaluated to determine the applicability of GML Section 103. Every town officer, board, department head or other personnel with the requisite purchasing authority (hereinafter "Purchaser"), shall estimate the cumulative amount of the items of supply or equipment needed in a given fiscal year. That estimate shall include the canvas of other town departments and past history to determine the likely yearly value of the commodity to be acquired. The information gathered and the conclusions reached shall be documented and kept with the file or other documentation supporting the purchase activity.

GUIDELINE 2. Except when directed by the Town Board, no solicitation of written proposals or quotations shall be required under the following circumstances:

- a. Acquisition of professional services;
- b. Emergencies;
- c. Sole source situations;
- d. Goods purchased from agencies for the blind or severely handicap;
- e. Goods purchased from correctional facilities;
- f. Goods purchased from another governmental agency;
- g. Goods purchased at auction;
- h. Goods purchased for less than \$500.00;
- i. Public works contracts for less than \$500.00;
- j. Goods purchased under NYS awarded contracts;
- k. Goods purchased under Town of Catskill approved or awarded contracts;
- l. Goods purchased under County of Greene awarded contracts;

The above a through l should all be properly documented and reasoning noted on purchase orders, vouchers or both.

GUIDELINE 3. All purchases of a) supplies and equipment which will exceed \$10,000 in the fiscal year or b) public works contracts over \$35,000 shall be formally bid pursuant to GML Section 103(1).

GUIDELINE 4.

All estimated purchases of:

1. Less than \$10,000.00 but greater than \$3,000.00 requires a written request for a proposal (RFP) and written/fax/email quotes from three (3) vendors.
2. Less than \$3,000.00 but greater than \$1,000.00 requires an oral request for the goods and oral/fax/email quotes from two (2) vendors.

3. Less than \$1,000.00 but greater than \$250.00 is left to the discretion of the Purchaser. For any purchase over \$250.00, a purchase order is required and authorized by the Department Head and Supervisor.

All estimated public works contracts of:

1. Less than \$35,000.00 but greater than \$10,000.00, requires a written RFP and fax/email/proposals from three (3) contractors.
2. Less than \$10,000.00 but greater than \$3,000.00 requires a written RFP and fax/email/proposals from two (2) contractors.
3. Less than \$3,000.00 but greater than \$500.00 is left to the discretion of the Purchaser and Town Board Approval.

Any written RFP shall describe the desired goods, quantity and the particulars of delivery. The Purchaser shall compile a list of all vendors from written/fax/oral/email quotes have been requested and the written/fax/oral/email quotes offered.

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 with the Town Comptroller.

The following exception to the above applies:

- a. Highway Superintendent does not require prior board approval to purchase tools and/or equipment not exceeding \$3,000.00 (reviewed annually).
- b. Ambulance Administrator does not require prior board approval to purchase medical supplies for the Town of Catskill Ambulance Service.
- c. Postage for Town Postage Meter.

GUIDELINE 5. 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 low bidder. If a bidder is not deemed responsible, facts supporting that judgment shall also be documented and filed with the record supporting the procurement.

When there is a rational basis and it is in the best interest of the taxpayers of the Town of Catskill for the procurement of an item from a vendor within the Town of Catskill and the proposed price or bid by such Catskill vendor be no greater than 10% higher than the lowest bid or proposal from a vendor outside the Town of Catskill, the item may be purchased from a vendor within the Town of Catskill.

GUIDELINE 6. 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 shall document the attempt made at obtaining the proposals. In no event shall the inability to obtain the proposals or quotes be a bar to the procurement.

GUIDELINE 7. The following purchase order approval process shall apply to any individual item or group of items whose aggregate cost exceeds \$500.00:

- a. Prior to any purchase in excess of \$500.00, the voucher needs to be approved by the Supervisor and/or Town Board.
- b. The Comptroller will forward a memo to each member of the Town Board by the 15th and 30th of each month to advise them the vouchers are ready for review.
- c. Each voucher shall require the signature of both the Department Head and the Supervisor.
- d. No voucher will remain open longer than 60 days without Town Board approval.
- e. In the event of an emergency, a voucher may be released prior to Town Board approval with the signature of the Supervisor.
- f. Road materials (Bituminous material, stone, catch basins) used in the repair and maintenance of roads.
- g. Snow and ice controls (MAGIC, Ice Ban, Salt).

The Town's procurement policy (quotes and bids) must be followed for all the above exceptions.

GUIDELINE 8. No vendor or contractor should be selected that owns, uses, or occupies for business purposes property in the Town of Catskill that is in violation of any provisions of the Code of the Town of Catskill pertaining to use and occupancy of the property, after notice from the Town of Catskill as to a violation and a reasonable opportunity to bring the property into compliance.

GUIDELINE 9. It is a policy to encourage the purchase and use of recycled materials and products. When any of the Guidelines of this Procurement Policy require that more than one quote or RFP be obtained, at least one should be for recycled materials or products. To the extent permitted under GML, preference should be given to vendors whose products utilize or contain recycled materials and to contracts that utilize recycled materials in public works contracts.

GUIDELINE 10. Pursuant to Section 104 of the NYS General Municipal Law, effective January 1, 2009, the Town is including the names of municipal officers responsible for purchasing decisions as follows:

Peter J. Markou,	Town Supervisor
Robert Antonelli,	Town Councilman
Patrick Walsh,	Town Councilman
Michael Smith,	Town Councilman
Kevin Lennon,	Town Councilman
Elizabeth Izzo,	Town Clerk
Robert G. Carl	Town Justice
Peter M. Margolius	Town Justice
Alfred Beers,	Town Highway Superintendent
Michael DeBenedictus,	Town Receiver of Tax
Sandy Misevcis,	Town Comptroller
James Wagman,	Town Attorney
Nancy McCoy,	Town Assessor
Bryant Arms	Town Code Enforcement Officer
Matthew Leibowitz	Town of Catskill Ambulance Administrator
Ann Marie Moran	Town of Catskill Senior Center Director

GUIDELINE 11. This policy shall be reviewed annually by the Town Board at its organizational meeting or as soon thereafter as is reasonably practical.

Councilman Smith seconded this motion.

Ayes 5, Nays 0, Absent 0 Carried

Supervisor Markou discussed the Proclamation for Eagle Scott Daniel Coughlin who will be awarded this on Saturday.

Supervisor Markou stated there are a number of issues that the Board needs to address. Some of these issues will require site visits such as the paving of Mossy Hill Road. The repavement will cost \$250,000 per Alfie Beers. The second item is a piece of land on Easy Street that is partial conservation zone and Fred believes it is zoned wrongly. The property owner would like it rezoned. The third item is the cemetery roads (old Rural Cemetery). The roads are in bad shape and need to be repaved. The fourth item is the soccer field on Embought Road. Site visit to see progress and where the Town's money went to. The fifth item is the Babe Ruth field. There are some issues but there is also adjacent land that we should look at. The sixth is the Clark property and the Supervisor will make sure the new Code Officer looks into this.

The Supervisor would like to schedule a Saturday and have the Board en mass view all these sites.

Supervisor Markou next spoke about a conversation he had with Joe Izzo. He would like to have the Town Board and the Catskill Legislators meet to discuss the impact of Friar Tuck closing and Irving School auction. This will be an open meeting.

Supervisor Markou also stated that the cement plant is asking for assessment relief. He stated he is seeing a lot of this happening and it will affect our budget significantly. He stated he spoke with Sandy who will issue a memo to all departments to stay under budget in their expenses.

Supervisor Markou spoke about the fire contract with the Village of Catskill. Councilman Antonelli stated from 2002 to 2006 the contract price was the same; the fire company negotiated. From 2007 to 2010 it increased and keeps increasing because this is when the Village President became involved in the contract process.

Supervisor Markou stated there was a ruling from the State Comptroller addressing fire protection service contracts opinion #2007-8 dated November 20th, 2007. It addresses the issue of auditing the operation of entities with whom a Town contracts for fire protection service and although a Town may not unilaterally require a fire company that provides protection service to submit to an independent audit of its operations, such a requirement may be included as part of the contract.

Supervisor Markou stated he anticipates the fire contract with the Village to increase and such that he will require that an audit is part of the contract.

Supervisor Markou polled the Board. Councilman Lennon stated the Board should look at the contract with HOCA and finalize the contract for this year and next. He also distributed information on open burning and outdoor boilers. DEC will have a public hearing about the outdoor boilers.

Councilman Walsh stated that Mike Sterthous will be in touch with him regarding the sign law and the sidewalk law proposal. He stated the sign law, because of constitutional rights, will take some time.

Councilman Smith stated in regards to Friar Tuck there was an Oklahoma company who bid and believes there was an issue concerning the legitimacy of the auction and he believes that both the sellers and the auctioneer are in litigation or about to be. He stated we need to know the status of the sale because it will determine who is responsible for the taxes. Supervisor Markou stated there is a half million dollars owed to the County. The Town is made whole for the taxes not paid. He stated it is beyond the issue of the sale. Bankruptcy court has thrown the case out and told the bank to foreclose. The bank told the Town the day they took possession. He stated that Joe Izzo thought it would be very useful for the legislators and the Town Board to see what we can do or how to mitigate because if the Friar Tuck comes off the tax rolls then it is a big, big, hit.

Councilman Antonelli stated there are a lot of properties in danger. He stated Nancy contacted the Diocese to ask about St. Patrick's school because we want to put it back on

the tax rolls. He also stated that maybe the Town can work with the Diocese to take over the gym and the fields in the back and give to the Community Center to use. Councilman Lennon stated he has talked to some Legislators about that too.

Councilman Smith said the wood boiler issue, which has no State regulations and some Counties who have enacted local laws, may be a difficult issue because it is environmental and economic issues that could possibly pit neighbor against neighbor. This may become a volatile issue.

Supervisor Markou opened the meeting to public comment. A young man from Questar was in the audience as part of his curriculum and voiced his concerns regarding the Village sidewalks. The Supervisor thanked him for his comments and suggested that he attend a Village board meeting so the Village President can hear his concerns too.

With no further business a motion to adjourn the meeting was presented by Councilman Antonelli and seconded by Councilman Smith. Meeting ended 7:00 pm.

Respectfully submitted,

Elizabeth Izzo
Town Clerk