

TOWN BOARD
Regular Meeting
June 14, 2017

The regular meeting of the Oneonta Town Board was held on June 14, 2017 with the following members present:

Supervisor: Robert T. Wood
Councilman: Randal Mowers
Councilwoman: Patricia Riddell Kent
Councilman: Brett Holleran
Councilwoman: Patricia Jacob
Town Clerk: Cheryl L. Shackelton

Others present: Rob Panasci, Town Attorney; James Hurtubise, Supt. of Highways; Steve Kent; Judy Pangman; David Hutchison; Charlotte Georgia; Teresa DeSantis; Kevin Kelly; and Alicia Daddario, of WKTV.

PETITIONERS

Judy Pangman, City of Oneonta Engineer was present to speak about a possible joint City/Town planning grant application for the Local Waterfront Revitalization Program. The plan would focus on our location to the Susquehanna River front and its' tributaries. Environmental issues such as wetlands, flooding, waterfronts and shores; watershed protection; fishing accesses and recreational facilities and trails are items that could be addressed. The City and Town both have a lot of momentum going on currently in terms of community development projects, she said. The grant is for State assistance of 75% with a local match of 25%. The City would take the lead on the application with a resolution from the Town committing to participation. The Department of State funds this program and therefore developers would have to follow the plan. The Town Board expressed interest in pursuing the grant application. Supervisor Wood said potential funds could help in restoring some of the aging buildings at Fortin Park; Councilwoman Jacob expressed interest in funds for biking/walking paths; and Councilman Holleran said he could speak for the entire board that everyone would like sidewalk connections between the City and Southside.

Motion was made by Jacob, seconded by Riddell Kent to support the City's grant application and commit to 50% of the local share costs, as long as there is full cooperation from the City.

VOTE – Ayes 5, Nays 0 Motion Carried

David Hutchison spoke about a possible connect between the City and Southside using a path from Neawha Park to Catella Park, under I88 and then over the river to Southside.

Supervisor Wood received information from OCCA regarding a NOAA (National Oceanic and Atmospheric Administration) grant application to study water resources in our area. He said they would make us a 'focus area' to adapt to potential climate changes, at no cost.

COMMITTEE REPORTS

Fortin Park – Councilman Holleran asked whether a ‘No Over Night Parking’ sign should be posted at the park. Board consensus was that it is not necessary, since posted park rules state that it is a ‘dawn to dusk’ park. Councilman Holleran further suggested that a garbage can or two be placed at the park. The board agreed to placing three 55 gallon drums near the pavilions and the parking area on a trial basis.

Town Hall- Councilman Holleran has drawn up an RFP (Request for Proposals) for replacement of the Town Hall roof. Attorney Panasci will review it.

Legislative

Purchasing Policy – Motion was made by Jacob, seconded by Riddell Kent to adopt the following ‘Purchasing Policy’:

WHEREAS, Section 104-b of the General Municipal Law requires the governing body of every municipality to adopt internal policies and procedures governing all procurement of goods and services which are not required by law to be publicly bid, and

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Oneonta, in a regular session duly convened, that the Town of Oneonta does hereby adopt the following procurement policy which is intended to apply to all goods and services which are not required by law to be publicly bid.

PROCUREMENT POLICY FOR THE TOWN OF ONEONTA

1. Review Process.

a. Every prospective purchase of goods to be made must be initially reviewed to determine whether it is a purchase contract or a public works contract. Once that determination is made, a good faith effort will be made to determine whether it is known or can reasonably be expected that the aggregate amount to be spent on the item of supply or service is not subject to competitive bidding, taking into account past purchases and the aggregate amount to be spent in a year.

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

c. The decision that a purchase is not subject to competitive bidding will be documented in writing by the individual making the purchase. This document may include written or verbal quotes from vendors, a memo from the purchaser indicating how the decision was arrived at, a copy of the contract indicating the source which makes the item or service exempt, a memo from the purchaser detailing the circumstances which led to an emergency purchase or any other written documentation that is appropriate.

2. All goods and services not subject to competitive bidding will be secured by use of written requests for proposals (RFPs), 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.

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

<u>Estimated amount of purchase contract</u>	<u>Method</u>
\$250 to \$1,500	Discretion of purchaser.
\$1,501 to \$5,000	Oral request for the goods and oral/fax quotes from two vendors.
\$5,001 to \$20,000	A written RFP and written/fax quotes from three vendors.

<u>Estimated amount of public works contract</u>	<u>Method</u>
\$500 to \$5,000	Discretion of purchaser.
\$5,001 to \$20,000	Written RFP and written/fax proposals from two contractors.
\$20,001 to \$35,000	Written RFP and written/fax proposals from three contractors.

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

c. A good faith effort shall be made to obtain the required number of proposals or quotations. If the purchaser is unable to obtain the required number of proposals or quotations, the purchaser will document the attempt made at obtaining the proposals. In no event shall the failure to obtain the proposals be a bar to procurement.

d. All information gathered in complying with the procedures of this policy shall be preserved and filed with the documentation supporting the subsequent purchase or public works contract.

4. The lowest responsible proposal or quote shall be awarded the purchase or public works contract unless the purchaser prepares a written justification providing reasons why it is in the best interest of the Town of Oneonta and its taxpayers to make an award to other than the low proposer. If a proposer is not deemed responsible, facts supporting that judgment shall also be documented and filed with the records supporting the procurement. When reviewing bids and pricing of items the Town Board will consider "Best Value" as allowed in GML Section 163. The use of "Best Value" shall be documented demonstrating the logic behind the choice made, written justification should be provided if the determination is made on criteria that are not objective and quantifiable. Determining factors may include: product reliability, efficiency of

operation, difficulty/ease of maintenance, useful lifespan, ability to meet the needs regarding timeliness of performance and experience of a service provider with similar contracts.

5. Pursuant to General Municipal Law Section 104-b(2)(f), the solicitation of alternative proposals or quotations will not be required in the best interest of the municipality in the following circumstances where proper 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;

a. Professional services or services requiring special or technical skill, training or expertise. The individual or company must be chosen based on accountability, reliability, responsibility, skill, education and training, judgment, integrity and moral worth.

In determining whether a service shall fit into this category, the Town Board shall take into consideration the following guidelines:

(i) Whether the services are subject to state licensing or testing requirements;

(ii) Whether substantial formal education or training is a necessary prerequisite to the performance of the services; and

(iii) Whether the services require a personal relationship between the individual and municipal officials.

Professional and technical services shall include but not be limited to the following: services of an attorney; services of a physician; technical services of an engineer or architect engaged to prepare plans, maps and estimates; securing insurance coverage and/or services of an insurance broker; services of a certified public accountant; investment management services; printing services involving extensive writing, editing or artwork; management of municipally owned property; and computer software or programming services for customized programs or services involved in substantial modification and customizing of pre-packaged software.

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

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

d. Goods under \$250 and public works contracts for less than \$500. The time and documentation required to purchase through this policy may be more costly than the item

itself and therefore not be in the best interest of the taxpayer. In addition, it is not likely that such *de minimis* contracts would be awarded based on favoritism.

6. No portion of this resolution shall be construed as preventing the competitive bidding of purchase contracts under \$20,000 or public works projects under \$35,000, if so desired.
7. This policy shall be reviewed annually by the Town Board at its organizational meeting or as soon thereafter is reasonably practicable.
8. This resolution shall take effect immediately.

Discussion: Supervisor Wood stated that this policy brings the town into alignment with State standards and allows for 'Best Value' consideration.

VOTE – Ayes 5, Nays 0 Motion Carried

Councilwoman Jacob stated that the Legislative Committee is continuing to work on the 'Complete Streets' policy; and amending the Sign Law.

CODE ENFORCEMENT

Training – Motion was made by Jacob, seconded by Mowers to authorize Code Enforcement personnel to attend STBOA training on June 14th, Dryden, NY.

VOTE – Ayes 5, Nays 0 Motion Carried

Unsafe dwelling - Motion was made by Wood, seconded by Jacob to approve the following resolution:

WHEREAS, Kevin F. Mulholland is the owner of the property located at 238 West St., Oneonta, New York, more specifically identified by Tax Map Number 288.09-1-20.00 , (hereinafter referred to as "subject property"); and

WHEREAS, a complaint was registered with the Town of Oneonta (hereinafter referred to as "Town") which claimed that the subject property was in disrepair and the building was open to the public; and

WHEREAS, the property owner was contacted and inspections occurred on June 1, 2017, and said inspections revealed a number of issues including, but not limited to, severely collapsing foundation walls and a substantial accumulation of items improperly stored outdoors.

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Oneonta that the property located at 238 West Street, Oneonta, New York, more specifically identified as Tax Map Number 288.09-1-20.00, hereby presents a danger to the health, safety, morals and general welfare of the public in that the collapsing foundation allows pests to reside in and around the subject property, the items outside the garage can lead to pests residing in and around the subject property; and be it further

RESOLVED, that the foundation must be repaired, and the items located outside are to be removed by the owner and said repairs are to be found to be code compliant by the Code Enforcement Officer; and be it further

RESOLVED, that the property located at 238 West Street, Oneonta, New York, more specifically identified as Tax Map Number 288.09-1-20.00 is to be vacated by the owners, and all other individuals, until said repairs are inspected and found to be code compliant by the Code Enforcement Officer; and be it further

RESOLVED, that the Town Board of the Town of Oneonta hold a hearing on July 10, 2017 at 4:00 p.m. at the Town Hall, at 3966 NYS Route 23, West Oneonta, NY 13861, on at least five days' notice to the owner of the subject property, or persons having an interest therein, to determine whether said order shall be affirmed or modified or vacated, and be it further

RESOLVED, that in the event that such owner, occupant or other person having an interest in said premises shall fail to contest such order and fail to comply with the same, the Town Board may order the repair or removal of such building or structure and, if so, the town will assess all costs and expenses incurred in such removal against the land on which such building or structure is located, and be it further

RESOLVED, that the repairs and removal of the above referenced items shall commence within 30 days after service of a notice of order to repair and shall complete all work within 60 days of service of said notice of order to repair.

VOTE – Ayes 5, Nays 0 Motion Carried

MISCELLANEOUS

Court Clerks training - Motion was made by Mowers, seconded by Jacob to authorize the Court Clerks to attend the 2017 NYS Office of Court Administration training, July 17-19th, in Potsdam, NY.

VOTE – Ayes 5, Nays 0 Motion Carried

Lifeguard adjustments – Motion was made by Jacob, seconded by Mowers to approve the following adjustments to lifeguard appointments:

<u>Lifeguards</u>	<u>Position</u>	<u>Salary</u>	<u>WSI</u>
Theresa DiMartin	Head Guard	\$12.00	No
Madison Miller	Assistant Head Lifeguard	\$12.00	No
Stephanie Havens	Lesson Supervisor	\$12.00	Yes
Frank Microni	Part Time Lifeguard/ Lesson Aide	\$12.00	No
Mackenzie Miller	Part Time Lifeguard/ Lesson Instructor	\$11.50	Yes
Alexis Ramsey	Lifeguard/Lesson Aide	\$10.20	No

Taylor Colone-Microni	Lifeguard/Lesson Aide	\$10.00	No
Abigail Picinich	Lifeguard/Lesson Aide	\$10.00	No
Jacob DePauw	Lifeguard/Lesson Aide	\$10.00	No
	Lifeguard Subs	\$9.70	
VOTE – Ayes 5, Nays 0	Motion Carried		

OWL (Oneonta World of Learning) events - Councilwoman Riddell Kent asked for clarification on vending at Fortin Park. Attorney Panasci stated that going forward vendors need to obtain a permit from the Town Clerk. He said that it would be allowable for special functions (such as OWL) to charge an admission fee to cover some of their costs.

Councilwoman Riddell Kent read a letter from OWL thanking the town board for their support and for all they do to keep the park looking so nice.

Girl Scout Cancer Memorial and Survivor Garden – Councilwoman Riddell Kent presented the Girl Scouts plan for a ‘Cancer Memorial and Survivor Garden’ near the OWL house at Fortin Park. The Board approved the plan and layout. Councilwoman Jacob said the Bassett Cancer Clinic is donating \$100 toward the project.

Councilwoman Riddell Kent submitted a letter of resignation from the ‘Facilities, Technology & Parks’ committee to remove any possible perception of impropriety because of her husband’s position as part-time parks maintenance worker.

Fire Commissioner meeting update – Councilwoman Riddell Kent reported as follows:

- The City and Town Fire Commissioners continue to work on a contract, but an agreement is not in sight;
- RFP for an independent audit has been sent out.

Hourly wage – Councilman Holleran said that since last month’s action to establish a \$16/hour starting wage for the new Motor Equipment Operator position, he’s been thinking about other employees. In light of fairness, he suggested that the Human Resources committee look into hourly wages for all town employees, as well as new hires.

APPROVAL OF MINUTES

Motion was made by Holleran, seconded by Riddell Kent to approve the May 10, 2017 minutes.

VOTE – Ayes 5, Nays 0 Motion Carried

BILLS

Motion was made by Holleran, seconded by Riddell Kent to approve bills as follows:

General	\$138,536.99	356,358-360,364,370,372-395,397,399-405,409-411,416,417, 421-425,427,442,443,449,450,456-458
Highway	\$52,204.44	356,369,370,416,417,420,424-441,445,456

Street Lights	\$3,738.43	360,387,459
Trust & Agency	\$4,884.31	352-355,365-367,452-455
DISTRICTS:		
WESD	\$20,050.71	351,357,361-363,368,371,396,398,406-408,415,418,419,444, 446,448,451
WSSD	\$5,045.81	351,357,361,363,368,371,396,398,406-408,415,418,419,444,451
SSD	\$9,086.33	351,357,363,368,371,396,398,406-408,415,418,419,444,448,451
WWD	\$5,708.91	351,357,362,363,368,371,396,398,406-408,412-414,444.447,451
PWD	\$736.32	351,357,363,368,371,398,406-408,444,451

The meeting was adjourned at 8:30pm.

Respectfully submitted,

Cheryl L. Shackelton
Town Clerk